

***JOURNAL***  
**OF THE**  
***COUNCIL***  
**CITY OF CHARLESTON**

**WEST VIRGINIA**

**December 5, 2005**

**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 5<sup>th</sup> DAY, IN THE YEAR 2005, AND WAS CALLED TO ORDER BY THE HONORABLE MAYOR, DANNY JONES. THE INVOCATION WAS DELIVERED BY HARRY DEITZLER, AND THE PLEDGE OF ALLEGIANCE WAS LED BY DAVID HIGGINS.**

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

**CHESTNUT  
DEITZLER**

**HIGGINS  
LANHAM**

**MILLER**

**NIELSEN**

**ROBERTSON**

**WARE**

**MAYOR JONES**

**CLOWSER**

**EALY**

**HARRIS**

**JONES**

**MONROE**

**REED**

**SADD**

**DAVIS**

**HALL**

**HARRISON**

**MORTON**

**MARKHAM**

**REISHMAN**

**TALKINGTON**

**WHITE**

**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**

- 1. Marshall Murdaugh, from Marshall Murdaugh Inc., addressed Council concerning the CVB
- 2. Susie Salisbury
- 3. Rob Eggleston
- 4. Mary Alice Hodgson

**CLAIMS**

1. A claim of Jack Wheeler, 6573 Big 7 Mile Rd., Lesage, 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. 940-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 940-05 : “Authorizing the Mayor to enter into a contract with City Electric Company, in the amount of \$25,700, for the Civic Center Convention Hall Electrical Upgrade project.”

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 City Electric Company, in the amount of Twenty-five Thousand Seven Hundred Dollars (\$25,700), for the Civic Center Convention Hall Electrical Upgrade project.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 940-05, adopted.

2. Your Committee on Finance has had under consideration Resolution No. 941-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 941-05 : “Authorizing the Mayor to sign an Intent-to-Apply request for the CSX Trestle project.”

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

That the Mayor is hereby authorized and directed to sign an Intent-to-Apply request for the CSX Trestle project.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-24, absent – 4, as follows:

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

ABSENT: Hanna, Lane, Loeb, Weintraub

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 941-05, adopted.

3. Your Committee on Finance has had under consideration Resolution No. 942-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 942-05 : “Authorizing the Mayor to sign a request for Project Amendment Scope/Activity Change (Form 2) for Charleston Public Safety Council Project No. 04LEDA0140 in the amount of \$10,000. The original scope of work was as follows: Perform and carry out, in a satisfactory and proper manner, all duties, tasks, and functions necessary to enable the Charleston Public Safety Council to create a database of rape and robbery crimes in Charleston that will aid the organization in identifying and improving neighborhood safety risks. Funds will also be used for office equipment and supplies. In addition to the original scope, the Public Safety Council is requesting a change to include the purchase of lighting for use in the high crime areas identified in the study for this project.”

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

That the Mayor is hereby authorized and directed to sign a request for Project Amendment Scope/Activity Change (Form 2) for Charleston Public Safety Council Project No. 04LEDA0140 in the amount of Ten Thousand Dollars (\$10,000). The original scope of work was as follows: Perform and carry out, in a satisfactory and proper manner, all duties, tasks, and functions necessary to enable the Charleston Public Safety Council to create a database of rape and robbery crimes in Charleston that will aid the organization in identifying and improving neighborhood safety risks. Funds will also be used for office equipment and supplies. In addition to the original scope, the Public Safety Council is requesting a change to include the purchase of lighting for use in the high crime areas identified in the study for this project.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-24, absent – 4, as follows:

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

ABSENT: Hanna, Lane, Loeb, Weintraub

With a majority of members elected recorded thereon as voting in the affirmative the Mayor

declared Resolution No. 942-05, adopted.

4. Your Committee on Finance has had under consideration Resolution No. 943-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 943-05 : “Authorizing the Finance Director to allocate funds in the amount of \$29,300 for acquisition of one (1) HOME project on the City’s West Side.”

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

That the Finance Director is hereby authorized and directed to allocate funds in the amount of Twenty-nine Thousand Three Hundred Dollars (\$29,300) for acquisition of one (1) HOME project on the City’s West Side.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-24, absent – 4, as follows:

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

ABSENT: Hanna, Lane, Loeb, Weintraub

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 943-05, adopted.

5. Your Committee on Finance has had under consideration Resolution No. 944-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 944-05 : “Authorizing the Finance Director to allocate funds in the amount of \$36,500 for acquisition of one (1) HOME project in North Charleston.”

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

That the Finance Director is hereby authorized and directed to allocate funds in the amount of Thirty-six Thousand Five Hundred Dollars (\$36,500) for acquisition of one (1) HOME project in North Charleston.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-24, absent – 4, as follows:

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

ABSENT: Hanna, Lane, Loeb, Weintraub

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 944-05, adopted.

6. Your Committee on Finance has had under consideration Resolution No. 945-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 945-05 : “Authorizing the Mayor to enter into a Maintenance Agreement with Charleston Area Medical Center, Inc., for the relocated right-of-way for 33<sup>rd</sup> Street from MacCorkle Avenue, SE to Staunton Avenue, SE.”

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 Maintenance Agreement with Charleston Area Medical Center, Inc., for the relocated right-of-way for 33<sup>rd</sup> Street from MacCorkle Avenue, SE to Staunton Avenue, SE.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 945-05, adopted.

7. Your Committee on Finance has had under consideration Resolution No. 946-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 946-05 : “Authorizing the Mayor to sign Change Order No. 1 with McClanahan Construction Company, in the amount of \$4,275, to provide additional concrete segmental retaining wall units (95 square feet) for the Tennis Club Road Sidewalk Extension Project. The change order increases the contract price from \$400,348 to \$404,623.”

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 McClanahan Construction Company, in the amount of Four Thousand Two Hundred Seventy-five Dollars (\$4,275), to provide additional concrete segmental retaining wall units (95 square feet) for the Tennis Club Road Sidewalk Extension Project. The change order increases the contract price from \$400,348 to \$404,623.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 946-05, adopted.

8. Your Committee on Finance has had under consideration Resolution No. 947-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 947-05 : “Authorizing the Mayor to receive and administer grant funds, in the amount of \$6,500, from the Governor’s Highway Safety Program for the Click it or Ticket Program. The funds will be used for travel and materials and supplies.”

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

That the Mayor is hereby authorized and directed to make to receive and administer grant funds, in the amount of \$6,500, from the Governor’s Highway Safety Program for the Click it or Ticket Program. The funds will be used for travel and material and supplies.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 947-05, adopted.

9. Your Committee on Finance has had under consideration Resolution No. 948-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 948-05 : “Authorizing the Mayor to sign a grant request in the amount of \$200,000 to be applied to the 2005 Brownfield Community-Wide Hazardous Substance Assessment Grant. This grant request will be submitted to the Department of Environmental Protection for the identification of possible hazardous substance sites.”

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

That the Mayor is hereby authorized and directed to sign a grant request in the amount of Two Hundred Thousand Dollars (\$200,000) to be applied to the 2005 Brownfield Community-Wide Hazardous Substance Assessment Grant. This grant request will be submitted to the Department of Environmental Protection for the identification of possible hazardous substance sites.

Councilman Loeb, whose arrival coincided with the voting of Resolution No. 948-05, was recorded as voting in the affirmative.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas- 25, absent – 3, as follows:

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

ABSENT: Hanna, Lane, Weintraub

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 948-05, adopted.

10. Your Committee on Finance has had under consideration Resolution No. 950-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 950-05 : “Authorizing the Mayor to sign a Letter of Engagement with the office of the State Auditor regarding an annual audit of the City’s basic financial statement at a cost of \$43,460.”

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

That the Mayor is hereby authorized and directed to sign a Letter of Engagement with the office of the State Auditor regarding an annual audit of the City’s basic financial statement at a cost of Forty-three Thousand Four Hundred Sixty Dollars (\$43,460).

The question being on the adoption of the Resolution a vote was taken. There being no dissent

the Mayor declared Resolution No. 950-05, adopted.

11. Your Committee on Finance has had under consideration Resolution No. 951-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 951-05 : “Authorizing the City Manager to sign a Memorandum of Understanding with the Charleston Sanitary Board regarding shared costs for procurement of planemetric mapping. The project is estimated to cost \$350,000 with the City’s share at \$175,000.”

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

That the Mayor is hereby authorized and directed to sign a Memorandum of Understanding with the Charleston Sanitary Board regarding shared costs for procurement of planemetric mapping. The project is estimated to cost \$350,000 with the City’s share at \$175,000.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 951-05, adopted.

12. Your Committee on Finance has had under consideration a proposal submitted by Stephens Auto Center, in the amount of \$ 260,172, for purchase of twelve (12) 2006 Ford Crown Victoria Police Interceptors for use in the patrol Division of 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.

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 proposal submitted by General Truck Sales, in the amount of \$19, 275, for purchase of a pickup truck to be used by the Parks and Recreation Department. To be charged to Account No. 001-979-00-900-4-459 – P&R, 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.

## **REPORTS OF OFFICERS**

Report of the City of Charleston, Municipal Court Financial Statements; November, 2005.  
Received and Filed.

## NEW BILLS INTRODUCED

Introduced by Councilman Bobby Reishman, on December 5, 2005:

Bill No. 7179 - A bill to amend and reenact Chapter Two (2), Section Two Hundred Eighty-One (281), Division Eight (8) of the code of the City of Charleston, Two Thousand Three, as amended; relating to the duties of the Public Works Director.

Refer to Ordinance and Rules Committee.

Introduced by Councilwoman Mary Jean Davis, on December 5, 2005:

Bill No. 7180 - A Bill amending and reenacting Chapter 10 of the Code of the City of Charleston, 2003, as amended, by amending Section 123 and adding Section 124; with respect to adding certain provisions to enable a person to keep or harbor more than two dogs with certain conditions.

Refer to Public Safety Committee.

Introduced by Councilman Tom Lane, Charlie Loeb and Bobby Reishman, on December 5, 2005:

Bill No. 7181 - Authorizing the City of Charleston to accept an offer made to the City of becoming the transferee of a charitable gift by 1266 Corporation., of a parcel of real property located in the City of Charleston, Charleston South Annex District, deed book 2239, page 669, and listed as Parcel No. 2, and authorizing and directing the Mayor to accept a deed of said property on behalf of the City of Charleston. Attached hereto is a deed proposed by the transferor. 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 Bobby Reishman, on December 5, 2005:

Bill No. 7182 - Authorizing the City of Charleston to accept an offer made to the City on November 23, 2005, of becoming the transferee of a charitable gift by Go-Mart Incorporated, of parcels of real property to be known, numbered and designated as Lot Nos. 8, 9, 10 and 11 of B. K. Littlepage Addition to the City of Charleston, as set out, laid down and designated on a map or plat entitled, "Map of B.K. Littlepage Addition to the City of Charleston, and authorizing and directing the Mayor to accept a deed of said property on behalf of the City of Charleston. Attached hereto is a deed proposed by the transferor. 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.

## **ROLL CALL**

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

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

ABSENT: Hanna, Lane, Weintraub

At 7:45 p.m., on motion of Councilman Lane, Council adjourned until Monday, December 19, 2005, at 7:00 p.m.

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Danny Jones, Honorable Mayor

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James M. Reishman, City Clerk