

JOURNAL
OF THE
COUNCIL
CITY OF CHARLESTON
WEST VIRGINIA

August 1, 2005

THE COUNCIL MET IN CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE FIRST MEETING IN THE MONTH OF AUGUST ON THE 1ST DAY, IN THE YEAR 2005, AND WAS CALLED TO ORDER BY THE HONORABLE MAYOR, DANNY JONES. THE INVOCATION WAS DELIVERED JACK HARRISON, AND THE PLEDGE OF ALLEGIANCE WAS LED BY ED TALKINGTON.

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

**CHESTNUT
DEITZLER**

**HIGGINS
LANHAM**

**MILLER
REISHMAN
ROBERTSON**

MAYOR JONES

CLOWSER

**HARRIS
JONES**

MORTON

SADD

**HALL
HARRISON
LANE
MARKHAM
REED**

TALKINGTON

NINETEEN 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.

August 1, 2005, FIRST MEETING

PUBLIC SPEAKERS

1. Sara Hoblitzell

CLAIMS

1. A claim of Michael Brown, 1505 1st Ave., Charleston, WV; alleges damage to vehicle. Refer to City Solicitor.
2. A claim of Barbara Christo, 102 Dawn Heights, Scott Depot, WV; alleges personal injury. Refer to City Solicitor.
3. A claim James Scott Risk, 420 Mary Street, Charleston, WV; alleges damage to vehicle. Refer to City Solicitor.
4. A claim Loretta Carpenter, 815 Somerset Dr., Charleston, WV; alleges personal injury. Refer to City Solicitor.
5. A claim Samantha Pryor, 2116 Lippert 353., Charleston, WV; alleges personal injury. Refer to City Solicitor.
6. A claim Diana Bsharah, 2009 7th Avenue, Charleston, WV; alleges personal injury. Refer to City Solicitor.
7. A claim Thomas Barclay, 65 40th Street, Nitro, WV; alleges damage to property. Refer to City Solicitor.

COMMUNICATIONS

The Clerk read the following Communication:

TO: JAMES REISHMAN
CITY CLERK

FROM: DANNY JONES
MAYOR

RE: CERTAIN BILLS BEFORE COUNCIL

DATE: AUGUST 1, 2005

In conjunction with the Rules of Council and following consultation with the Chair of the Rules

and Ordinance Committee and the author of the bills in question, I am directing that Bill Number 7153, the committee substitute for the urban deer management proposal, and Bill Number 7154, relating to weapons use within the City, be remanded to the Rules and Ordinance Committee for another public hearing and further consideration.

MISCELLANEOUS RESOLUTIONS

Resolution No. 872-05

Introduced in Council: August 1, 2005

Passed by Council: August 1, 2005

Introduced by: Tom Lane

RESOLUTION

WHEREAS, Kids on Court was created and inaugurated in our city this summer as a tennis program designed to introduce children to tennis through low-key instruction focused on fun, getting exercise and making new friends; and

WHEREAS, the program was available to children ages 6 to 11 who might not otherwise have access to tennis instruction. Under the program local tennis professionals and players provided tennis lessons and an organized program for three weeks extending from June 20 to July 8; and

WHEREAS, almost 150 children from neighborhood centers, the Salvation Army Boys and Girls Club and Ebenezer Baptist church participated in this year's program; and

WHEREAS, the program was co-chaired by Mychal Shulz and Kate Ruggery of the Charleston Area Tennis Association and Jack Harrison and Jerry Ware of Charleston City Council; and

WHEREAS, the Charleston Area Tennis Association, as an arm of the United States Tennis Association provided funding for the program; and

WHEREAS, the Kanawha City tennis courts were recently rebuilt and a facilities building constructed through a generous donation by Betty Schoenbaum. At the Kids on Court closing ceremonies a plaque was unveiled recognizing Mrs. Schoenbaum for her generosity; and

WHEREAS, the Kids on Court program was organized and implemented by a volunteer committee, including:

Ann Bradley
Nancy Campbell
John Charnock
Mary Jean Davis
Sandy Eads
Jack Harrison

Tom Lane
Dennis Pease
Kate Ruggery
Mychal Shulz
Jerry Ware
Mindy White

Kathy Hudson

WHEREAS, the Kids on Court program could not have been successful without volunteers whose interest in tennis, patience, and desire to enrich the lives of the children made the program a wonderful experience. They included:

Sandy Campbell- For donating and raising the necessary funds so all kids could walk away with their own racket.

Bob and Donna Mooney- For donating hundreds of used tennis balls from the Girls' District tournament.

Charleston Area Tennis Association- For funding of all t-shirts, water bottles, posters and supplies.

Kanawha City Drug Emporium- For donating store carts used by volunteers as ball carts.

Debbie Anderson
Linda Bonasso
Bill Board
Debbie Board
Shannon Cable
Corey Campbell
Perry Campbell
Lisa Cassis
Paul Cassis
Erin Cox
Mimi Davis
Rev. James Ealy
Barbie Disnoff
Bill Goode
Penny Gorby
Jamar Grayson
Marvin Grayson
Sherry Harrison
Ann Herily
Casey Hudson
Kim Isaac
Rory Isaac
Jennifer Jackfert
Piper Kelly
Kim Lawrence
Kristen Lorenson
Pam Lorenson

Will Lorenson
Susan Maier
Brandon McCowen
Donna Michael
Stevie Michael
Kim Nelson
Davy Nelson
Hanna Nikeronic
Belu Nunley
Sarah Nunley
Beth Robey
Wendy Rubin
Susie Salisbury
Jeri Smith
Logan Spears
London Straughter
Keith Tyler
Terri Underwood
Jared Walker
Robbie Walker
Adam White
Donna White
Erica White
Mindy White
Kristen Williams
Terra Williams

WHEREAS, Jack Harrison took three weeks from his busy work schedule to manage and oversee this program each day and through his kindness, good humor, leadership,

patience, love for tennis and care for children, he molded this program so that it taught the many children who participated that tennis is fun, that it is a game for life, that respect and discipline are important and that, even though little, girls come before boys.

NOW, therefore Charleston City Council does hereby recognize and thank the organizers, chairs and all of the volunteers of the Kids on Court program. Volunteer efforts of this nature make Charleston a great American city and Council urges that this program continue in future years and serve as an example for similar initiatives.

Danny Jones
Mayor

Tom Lane
Council President

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 872-05, adopted.

REPORTS OF STANDING COMMITTEES

Councilman David Higgins, Vice Chairman of the Council Committee on Ordinance and Rules, submitted the following reports.

Bill No. 7086 - Amending and reenacting Chapter 102, Article III of the Charleston City Code to include regulations for permitting, excavations and restoration standards for work in the public rights-of-way of the City of Charleston, by adopting and incorporating by reference a document entitled "Right-of-Way Excavation & Restoration Ordinance Manual" to be kept on file in the Charleston Building Department and City Clerk's office.

The question being on the passage of the Bill a roll call was taken and there were; yeas-19, nays-0, absent-9, as follows:

YEAS: Chestnut, Clowser, Deitzler, Hall, Harris, Harrison, Higgins, Jones, Lane, Lanham, Markham, Miller, Morton, Reed, Reishman, Robertson, Sadd, Talkington, Mayor Jones.

NAYS:

ABSENT: Davis, Ealy, Hanna, Loeb, Monroe, Nielsen, Ware, Weintraub, White,

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7086, adopted.

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. 867-05, and

reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 867-05 : “Authorizing the Mayor to enter into a contract with Vanguard Plastics, Inc., for purchase of black plastic refuse bags, in the amount of \$215,968, with the Town of Marmet being responsible for \$9,248 of said sum for 170,000 bags; and clear yard waste bags in the amount of \$69,199.90, for a total of \$285,167.90. The bags, not otherwise purchased by Marmet, will be distributed to the citizens of Charleston for the one year period from September 2005 to August 2006.”

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 Vanguard Plastics, Inc., for purchase of black plastic refuse bags, in the amount of \$215,968, with the Town of Marmet being responsible for \$9,248 of said sum for 170,000 bags; and clear yard waste bags in the amount of \$69,199.90, for a total of \$285,167.90. The bags, not otherwise purchased by Marmet, will be distributed to the citizens of Charleston for the one year period from September 2005 to August 2006.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 867-05, adopted.

2. Your Committee on Finance has had under consideration Resolution No. 868-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 868-05, as amended : “Authorizing the Mayor to sign a grant application with the Greater Kanawha Valley Foundation, in the amount of \$15,000. The funds will be used for the purchase of playground equipment at Danner Meadow Park.”

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 application with the Greater Kanawha Valley Foundation in the amount of Fifteen Thousand Dollars (\$15,000). The funds will be used for the purchase of playground equipment at Danner Meadow Park.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 868-05, as amended, adopted.

3. Your Committee on Finance has had under consideration Resolution No. 869-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 869-05 : “Authorizing the Mayor to enter into an agreement with Summit Bank for a construction line of credit up to \$3,000,000, at rates listed on the attached tabulation sheets, to be used for leasehold improvements at the 601 Morris Street building.”

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 Summit Bank for a construction line of credit up to Three Million Dollars (\$3,000,000), at rates listed on the attached tabulation sheets, to be used for leasehold improvements at the 601 Morris Street building.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 869-05, adopted.

4. Your Committee on Finance has had under consideration Resolution No. 870-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 870-05: “Authorizing payment to Timothy Whitlock and Jerry Alford, his attorney, in the amount of \$6,000, and a payment to Travelers Insurance Company in the amount of \$28,946 to purchase an annuity in trust for Timothy Whitlock, which shall provide a structured payment of Two Hundred Dollars (\$200.00) per month, payable over a period of 200 calendar months, in lieu of vocational rehabilitation benefits, all in exchange for a settlement, resolution, and release of claims for workers’ compensation benefits against the City of Charleston, excluding the claimant’s rights to reasonable and necessary future medical benefits.”

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

That authorization for payment to Timothy Whitlock and Jerry Alford, his attorney, in the amount of \$6,000, and a payment to Travelers Insurance Company in the amount of \$28,946 to purchase an annuity in trust for Timothy Whitlock, which shall provide a structured payment of Two Hundred Dollars (\$200.00) per month, payable over a period of 200 calendar months, in lieu of vocational rehabilitation benefits, all in exchange for a settlement, resolution, and release of claims for workers’ compensation benefits against the City of Charleston, excluding the claimant’s rights to reasonable and necessary future medical benefits, is hereby approved.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 870-05, adopted. Abstain – Lane.

5. Your Committee on Finance has had under consideration Resolution No. 871-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 871-05: “Authorizing payment to Russell Parsons, in the amount of \$11,800.64, for settlement of a workers’ compensation claim in exchange for a full release of all claims against the City of Charleston.”

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

That payment to Russell Parsons, in the amount of Eleven Thousand Eight Hundred Dollars and Sixty-four Cents (\$11,800.64), for settlement of a workers’ compensation claim in exchange for a full release of all claims against the City of Charleston, is hereby approved.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 871-05, adopted.

6. Your Committee on Finance has had under consideration Resolution No. 856-05 Committee Substitute, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 856-05, Committee Substitute: “Authorizing the Mayor to enter into a contract with TSG Consulting and J. Arthur Dail, Inc., for Healthcare Benefit Consulting Services as follows:

- 1) Review current plan and draft report detailing options and improvements billed at an hourly rate of \$125, with a total cost not to exceed \$13,000; and
- 2) Preparation of bid documents for third party administrator, pharmacy administration, wellness benefits, stop-loss, and other items, including review of submissions, billed at an hourly rate of \$125, not to exceed \$8,000.

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 TSG Consulting and J. Arthur Dail, Inc., for Healthcare Benefit Consulting Services as follows:

- 1) Review current plan and draft report detailing options and improvements billed at an hourly rate of \$125, with a total cost not to exceed \$13,000; and
- 2) Preparation of bid documents for third party administrator, pharmacy administration, wellness benefits, stop-loss, and other items, including review of submissions, billed at an hourly rate of \$125, not to exceed \$8,000.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 856-05 Committee Substitute, adopted.

7. Your Committee on Finance has had under consideration Bill No. 7157, and reports the same to Council with the recommendation that the bill do pass.

Bill No. 7157 - A Bill authorizing the Mayor to enter into a Housing Consortium Agreement the City of Charleston, the Kanawha County Commission, the Town of Belle, the Town of Cedar Grove, the Town of Clendenin, the Town of Marmet, the City of Nitro, the Town of Pratt, the City of St. Albans, the City of Dunbar, and the City of South Charleston to renew the Charleston/Kanawha Housing Consortium for fiscal years 2006, 2007 and 2008.

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

That the Mayor is hereby authorized and directed to enter into a Housing Consortium Agreement

the City of Charleston, the Kanawha County Commission, the Town of Belle, the Town of Cedar Grove, the Town of Clendenin, the Town of Marmet, the City of Nitro, the Town of Pratt, the City of St. Albans, the City of Dunbar, and the City of South Charleston to renew the Charleston/Kanawha Housing Consortium for fiscal years 2006, 2007 and 2008.

The question being on the passage of the Bill a roll call was taken and there were; yeas-19, nays-0, absent-9, as follows:

YEAS: Chestnut, Clowser, Deitzler, Hall, Harris, Harrison, Higgins, Jones, Lane, Lanham, Markham, Miller, Morton, Reed, Reishman, Robertson, Sadd, Talkington, Mayor Jones.

NAYS:

ABSENT: Davis, Ealy, Hanna, Loeb, Monroe, Nielsen, Ware, Weintraub, White,

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7157, adopted.

REPORTS OF OFFICERS

1. City Treasurer's Report to City Council Month Ending June, 2005;
Received and Filed.

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

NEW BILLS INTRODUCED

None.

ROLL CALL

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

YEAS: Chestnut, Clowser, Deitzler, Hall, Harris, Harrison, Higgins, Jones, Lane, Lanham, Markham, Miller, Morton, Reed, Reishman, Robertson, Sadd, Talkington, Mayor Jones.

ABSENT: Davis, Ealy, Hanna, Loeb, Monroe, Nielsen, Ware, Weintraub, White,

At 7:45 p.m., on motion of Councilman Loeb, Council adjourned until Monday, August 15, 2005, at 7:00 p.m.

Danny Jones, Honorable Mayor

James M. Reishman, City Clerk