

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

**January 3, 2006**

**THE COUNCIL MET IN CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE FIRST MEETING IN THE MONTH OF JANUARY ON THE 3<sup>rd</sup> DAY, IN THE YEAR 2006, AND WAS CALLED TO ORDER BY THE HONORABLE MAYOR, DANNY JONES. THE INVOCATION WAS DELIVERED BY JACK HARRISON, AND THE PLEDGE OF ALLEGIANCE WAS LED BY JERRY WARE.**

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

**CHESTNUT  
DEITZLER  
HANNA  
  
LANHAM  
MILLER  
NIELSEN  
ROBERTSON  
WARE  
MAYOR JONES**

**CLOWSER  
EALY  
HARRIS  
JONES  
LANE  
MONROE  
REED  
SADD**

**DAVIS  
HALL  
HARRISON  
LOEB  
MORTON  
MARKHAM  
  
TALKINGTON  
WHITE**

**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.**

**PUBLIC SPEAKERS**

None

**CLAIMS**

1. A claim of Robert Sherrard, Jr., 930 Ridgemont Rd., Charleston, WV; alleges damage to property.  
Refer to City Solicitor.

**REPORTS OF STANDING COMMITTEES**

***FINANCE***

Councilman Charlie Loeb, Vice Chairman of the Council Committee on Finance, submitted the following reports.

1. Your Committee on Finance has had under consideration Resolution No. 966-06, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 966-06 : “Authorizing the Mayor to sign and submit Fiscal Year 2006 Local Economic Development Assistance (LEDA) grant applications and all related documents for two agencies located in the City of Charleston.”

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 Fiscal Year 2006 Local Economic Development Assistance (LEDA) grant applications and all related documents for the two agencies listed below:

Western Generals Midget Football League	\$2,000.00
Simpson Outreach, Inc.	\$5,000.00

The question being on the adoption of the Resolution a roll call was taken and there were; yeas- 24, absent – 3, abstain – 1, as follows:

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

ABSENT: Higgins, Reishman, Weintraub,

ABSTAIN: Deitzler

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 966-06, adopted.

2. Your Committee on Finance has had under consideration Resolution No. 967-06, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 967-06: “Authorizing the Mayor to sign the TEA-21 application 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 the TEA-21 application for the CSX Trestle Project.

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, Hanna, Harris, Harrison, Jones, Lane, Lanham, Loeb, Markham, Miller, Monroe, Morton, Nielsen, Sadd, Reed, Robertson, Talkington, Ware, White, Mayor Jones.

ABSENT: Higgins, Reishman, Weintraub,

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 967-06, adopted.

3. Your Committee on Finance has had under consideration Resolution No. 968-06, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 968-06: “Authorizing the Mayor to sublease spaces at 601 Morris Street (warehouse building at Ballpark), totaling approximately 5,285 square feet, to Power Alley Grill, LLC, at the rate of \$7.54 per square foot. Rental payment for Space A, consisting of 3,700 square feet, shall commence on July 1, 2006, and rental payment for Space B, consisting of 1,585 square feet, shall commence on January 1, 2007, providing that no commercial use or occupancy is made of the space prior to January 1, 2007. In the event said space is occupied at an earlier date, rent for the space shall commence on the first day of any month such space is opened to commercial activities or such occupancy. The Lease shall be for the period commencing January 10, 2006, and ending December 31, 2010, with an option to renew for five additional terms of three years each.”

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

That the Mayor is hereby authorized and directed to sublease spaces at 601 Morris Street (warehouse building at Ballpark), totaling approximately 5,285 square feet, to Power Alley Grill, LLC, at the rate of Seven Dollars and Fifty-four Cents (\$7.54) per square foot. Rental payment for Space A, consisting of 3,700 square feet, shall commence on July 1, 2006, and rental payment for Space B, consisting of 1,585 square feet, shall commence on January 1, 2007, providing that no commercial use or occupancy is made of the space prior to January 1, 2007. In the event said space is occupied at an earlier date, rent for the space shall commence on the first day of any month such space is opened to commercial activities or such occupancy. The Lease shall be for the period commencing January 10, 2006, and ending December 31, 2010, with an

option to renew for five additional terms of three years each.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 968-06, adopted. Abstain - Loeb

4. Your Committee on Finance has had under consideration Resolution No. 969-06, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 969-06 “Authorizing the Mayor to sign Change Orders No. 34, 35, and 36 with BBL Carlton, LLC, for the Baseball Stadium Bid Package CI-2B / Concourse, in the total amount of \$184,789.90, relating to installation of three canopies at the ballpark.”

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

That the Mayor is hereby authorized and directed to sign Change Orders No. 34, 35, and 36 with BBL Carlton, LLC, for the Baseball Stadium Bid Package CI-2B / Concourse, in the total amount of \$184,789.90, relating to installation of three canopies at the ballpark. The change orders provide for the following:

Change Order No. 34 - \$37,158.80

Third Base Canopy Extensions: Supply and install translucent corrugated fiberglass panels, double angle hanging joists, 16 gauge galvanized “Z” purlins, and paint to match existing canopy structure.

Change Order No. 35 - \$65,260.10

Stairwell Canopy: Supply and install structural steel, metal decking, purlins, roof panels, flashing and gutters on the first base building eastern stair tower based upon Fire Marshall requirements.

Change Order No. 36 - \$82,371.00

Main Entrance Canopy: Supply and install canopy materials to Model the look of the Morris Street canopy.

The question being on the adoption of the Resolution a vote was taken. There being only one dissent from Markham, the Mayor declared Resolution No. 969-06, adopted.

5. Your Committee on Finance has had under consideration a Proposal submitted by Jack Garrett Ford of Spencer, WV, for purchase of a 4X4 Ford Ranger with extended cab, in the amount of \$15,333, to be assigned to the Parking System. To be charged to Account No. 406-571-00-000-4-459, Parking System – 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.

6. Your Committee on Finance has had under consideration a bid submitted by ACS Firehouse Solution for a software system, in the amount of \$21, 740, to serve programs in records management, inspections, training, etc. for the Charleston Fire Department. To be charged to Account No. 001-976-00-706-4-459, 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.

7. Your Committee on Finance has had under consideration a Proposal submitted by Stephens Auto center, in the amount of \$46, 278, for purchase of two 4WD Jeep Grand Cherokees (\$23,139 each), to be assigned to the Charleston Fire Department. To be charged to Account No. 001-976-00-706-4-459, 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.

## **REPORTS OF OFFICERS**

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

2. Report of the City of Charleston Financial Statements for the  
One-month period ended July 31, 2005.  
Received and Filed.

3. Report of the City of Charleston Financial Statements for the  
Two-month period ended August 31, 2005.  
Received and Filed.

4. Report of the City of Charleston Financial Statements for the  
Three-month period ended September 30, 2005.  
Received and Filed.

5. Report of the City of Charleston Financial Statements for the  
Four-month period ended October 31, 2005.  
Received and Filed.

## **NEW BILLS INTRODUCED**

Introduced by Councilmember Mary Jean Davis, on January 3, 2006:  
Bill No. 7183 -amending the Zoning Ordinance of the City of Charleston, West Virginia, enacted

the 1st day of January 2006, as amended and the map made a part thereof, by rezoning from R-10 High Density Multi-Family Residential District to R-4 Single Family Residential District those parcels of land located between Kanawha Avenue and the Kanawha River between 19<sup>th</sup> Street and 22<sup>nd</sup> Street.

Refer to Municipal Planning Commission.

Introduced by Councilmember Charlie Loeb, on January 3, 2006:

Bill No. 7189 - A Bill approving the reorganization between Charleston Housing Authority and Kanawha Housing Authority and further authorizing the Mayor of the City of Charleston to enter into an Intergovernmental Agreement and any other related agreements with Kanawha County in furtherance of that reorganization.

Refer to Ordinance and Rules 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, Jones, Lane, Lanham, Loeb, Markham, Miller, Monroe, Morton, Nielsen, Reed, Robertson, Sadd, Talkington, Ware, White, Mayor Jones.

ABSENT: Higgins, Reishman, Weintraub

At 7:20 p.m., on motion of Councilman Loeb, Council adjourned until Tuesday, January 17, 2006, at 7:00 p.m.

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Danny Jones, Honorable Mayor

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James M. Reishman, City Clerk