

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

NOVEMBER 6, 2006

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 6th DAY, IN THE YEAR 2006, AND WAS CALLED TO ORDER BY THE HONORABLE MAYOR, DANNY JONES. THE INVOCATION WAS DELIVERED BY HARRISON, AND THE PLEDGE OF ALLEGIANCE WAS LED BY WARE.

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

**CLOUSER
EALY
HARRIS
JONES
LANE
MONROE
REED
SADD
WEINTRAUB**

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

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. Michael Tolliver
2. Thornton Cooper
3. Sean Anderson

CLAIMS

1. A claim of Joan Good, 1016 Aspen Rd., Charleston, WV; alleges personal injury. Refer to City Solicitor.

2. A claim of Robert Burns, 1211 Larchwood Rd., Charleston, WV; alleges damage to property. Refer to City Solicitor.

3. A claim of Sharin Akhtar, 1002 Greystone Lane, Hurricane, WV; alleges damage to vehicle. Refer to City Solicitor.

4. A claim of Lillie Shivel, 1401 Sattes Circle, Nitro, WV; alleges damage to vehicle. Refer to City Solicitor.

5. A claim of Justin Easter, 722 57th St., Charleston, WV; alleges damage to vehicle. Refer to City Solicitor.

COMMUNICATIONS

The Clerk read the following appointments:

TO: JAMES REISHMAN
CITY CLERK

FROM: DANNY JONES
MAYOR

RE: CHARLESTON-KANAWHA HOUSING AUTHORITY

DATE: NOVEMBER 6, 2006

I recommend that Allen McVey, P.O. Box 6278, Charleston, WV 25362, be appointed to the Charleston-Kanawha Housing Authority for a five-year term, beginning today and expiring on December 1, 2011. He replaces Marie Prezioso, who resigned from the Charleston Housing Authority effective at the completion of the merger, and he has been nominated by the President of the Kanawha County Commission to represent residents of Kanawha County in conjunction provisions with the agency merger agreement.

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

Council approved the appointment.

TO: JAMES REISHMAN
CITY CLERK

FROM: DANNY JONES
MAYOR

RE: MUNICIPAL BEAUTIFICATION COMMISSION

DATE: NOVEMBER 6, 2006

I recommend that Charles J. Denham, 204 50th Street S.E., Charleston, WV 25304, be reappointed to the Municipal Beautification Commission, with a said term to expire September 19, 2009.

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

Council approved the appointment.

To: James Reishman
City Clerk

From: Danny Jones
Mayor

Re: Emergency Vehicle Operation Driver Safety Training Committee

Date: November 6, 2006

Pursuant to Resolution 070-06 passed by Council on July 3, 2006, I recommend the formation of the Emergency Vehicle Operation Driver Safety Training Committee, and that the following individuals/positions be appointed to serve on this committee:

Chief of Police, Brent Webster, Chair
City Manager, David Molgaard
City Attorney, Paul Ellis
Police Professional Standards Commander, Captain Tom Mullins
Police Accident Investigator, Sgt. T.S. Williams
Police Training Division Commander, Sgt. Ralph Johnson
City Risk Management Officer – Safety Officer, Tim Campbell
Fire Chief, Randy Stanley
Council Person – Bob White

I respectfully request City Council's approval of the recommendation and appointments.
Council approved the appointment.

MISCELLANEOUS RESOLUTIONS

Resolution No. 131-06

Introduced in Council

Passed by Council

November 6, 2006

November 6, 2006

Introduced by

John Miller, Linda Nielsen, Harry Deitzler, Ditty Markham

WHEREAS: The Horace Mann Middle School girls volleyball team was undefeated during its 13 regular season matches this year; and

WHEREAS: The Horace Mann volleyball team was the runner-up in Kanawha County's 14-team Championship Tournament and also won the Best Sportsmanship award during that tournament this fall; and

WHEREAS: Led by Coach Allen Annie and Assistant coaches Liz Baldwin and Fawn Washington, the students on the team learned valuable lessons this year both on and off the volleyball court while winning every match this year until the final round of the tournament; and

WHEREAS: Members of the team not only excelled on the court but also in the classroom, registering a combined 3.2 grade point average.

Therefore Be It Resolved By The Council And Mayor Of The City Of Charleston, West Virginia:

That we congratulate the Horace Mann Middle School girls volleyball team and coaches Allen Annie, Liz Baldwin and Fawn Washington for an outstanding season and their remarkable string of victories leading up to the Kanawha County championship round.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 131-06, adopted.

Resolution No. 132-06

Introduced in Council

Passed by Council:

November 6, 2006

November 6, 2006

Introduced by
Pat Jones

WHEREAS: Before this soccer season began, Stonewall Jackson Middle School was scrambling to secure staff and students to fill a soccer team for male and female students who hoped to play; and

WHEREAS: Jim Swain stepped up to provide leadership for the team as its coach and, despite some tough losses early in the season, helped guide the team to a surge of success; and

WHEREAS: This co-ed team, which seemed to be patched together, instead worked hard together and played well together with several key victories, including the rain soaked win over the Sissonville Middle School boys team; and

WHEREAS: Led by captains Steven Lewis, Hannah Faegre, Zach Griffith and Korey Dunbar, the Stonewall Jackson Generals finished the regular season tied with Horace Mann's boys team and then went on to win the Kanawha County Co-Ed Championship with a victory over South Charleston; and

WHEREAS: The success of the Stonewall Jackson Co-Ed Soccer team has been a demonstration of a true team effort with leadership from all of the people involved, including students, their parents and the school's faculty and staff – all of whom sacrificed for the cause and contributed to the success of the team.

Therefore be it resolved by The Council and Mayor of The City of Charleston, West Virginia:

That we congratulate the players and coaches of the Stonewall Jackson soccer team along with their families and the school's faculty, all of whom worked together to turn uncertainty into the reality of a championship season.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 132-06, adopted.

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. 122-06, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 122-06: “Authorizing “Citizen Appreciation Parking” for Saturday, November 25, 2006, and four Saturdays in December 2006 (2nd, 9th, 16th and 23rd). “Citizen Appreciation Parking” shall include the waiving of hourly parking fees at all City-operated facilities (excluding Municipal Parking Building No. 2 / Cinema), and all metered on-street parking spaces.”

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

That “Citizen Appreciation Parking” for Saturday, November 25, 2006, and four Saturdays in December 2006 (2nd, 9th, 16th and 23rd), is hereby approved. “Citizen Appreciation Parking” shall include the waiving of hourly parking fees at all City-operated facilities (excluding Municipal Parking Building No. 2 / Cinema), and all metered on-street parking spaces.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 122-06, adopted.

2. Your Committee on Finance has had under consideration Resolution No. 123-06, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 123-06: “Authorizing the Finance Director to establish a new fund to be known as Fund 096—Historic Preservation Fund, to seek and accept gifts, bequests, endowments and funds from any and all sources for the accomplishment of the functions of the Charleston Historic Landmarks Commission.”

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

That the Finance Director is hereby authorized and directed to establish a new fund to be known as Fund 096—Historic Preservation Fund, to seek and accept gifts, bequests, endowments and funds from any and all sources for the accomplishment of the functions of the Charleston Historic Landmarks Commission.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-28, absent – 0, as follows:

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

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No.123-06, adopted.

3. Your Committee on Finance has had under consideration Resolution No. 124-06, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 124-06: “Authorizing the Mayor to enter into an Agreement with Iso Bunkers, LLC, for purchase of 87 Octane Gasoline at \$2.1597 per gallon, and Ultra Low Sulfur (ULS) Diesel Gasoline at \$2.2822 per gallon to serve the City’s vehicle fueling requirements for a one year period starting July 21, 2007 to July 20, 2008, subject to appropriation of funds by City Council in the 2007-2008 General Fund budget. This Agreement is being entered into through a bid received by Kanawha Valley Regional Transportation Authority (KRT) on behalf of the City and area municipalities in an effort to streamline gasoline prices.”

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 Iso Bunkers, LLC, for purchase of 87 Octane Gasoline at \$2.1597 per gallon, and Ultra Low Sulfur (ULS) Diesel Gasoline at \$2.2822 per gallon to serve the City’s vehicle fueling requirements for a one year period starting July 21, 2007 to July 20, 2008, subject to appropriation of funds by City Council in the 2007-2008 General Fund budget. This Agreement is being entered into through a bid received by Kanawha Valley Regional Transportation Authority (KRT) on behalf of the City and area municipalities in an effort to streamline gasoline prices.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 124-06, adopted.

4. Your Committee on Finance has had under consideration Resolution No. 125-06, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 125-06: :Authorizing the Mayor to submit an Intent-to-Apply form to the West Virginia Department of Transportation, Division of Highways, 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 submit an Intent-to-Apply form to the West Virginia Department of Transportation, Division of Highways, for the CSX

Trestle project.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-26, absent – 0, nays - 2, as follows:

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

NAYS: Chestnut, Lanham

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No.125-06, adopted.

5. Your Committee on Finance has had under consideration Resolution No. 126-06, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 126-06: “Authorizing the Finance Director to allocate funds in the amount of \$93,119.02 for rehabilitation of five owner-occupied residences in the City of 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 \$93,119.02 for rehabilitation of five owner-occupied residences in the City of Charleston.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-28, absent – 0, as follows:

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

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No.126-06, adopted.

6. Your Committee on Finance has had under consideration Resolution No. 127-06, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 127-06: “Authorizing the Mayor or City Manager to enter into a renewal Agreement with Charleston Area Medical Center, Inc. (CAMC) for hospital discounts and cost containment issues for City employees in consideration for maintaining a health plan design which establishes CAMC as an exclusive preferred hospital provider for inpatient and outpatient services for a one year period from December 1, 2006 to November 30, 2007.”

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

That the Mayor or City Manager is hereby authorized and directed to enter into a renewal Agreement with Charleston Area Medical Center, Inc. (CAMC) for hospital discounts and cost containment issues for City Employees in consideration for maintaining a health plan design which establishes CAMC as an exclusive preferred hospital provider for inpatient and outpatient services for a one year period from December 1, 2006 to November 30, 2007.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 127-06, adopted.

7. Your Committee on Finance has had under consideration Resolution No. 128-06, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 128-06: "Authorizing ratification of Resolution and Declaration of Official Intent for Lease Purchase Escrow Account No. 1000129571 and Account No. 1000129621, collectively attached hereto as Exhibit A, related to a three-year and five-year lease agreement between the City and Chase Equipment Leasing, Inc., for the purchase of police cars and various equipment for City departments, previously approved by Council under Resolution No. 093-06, and designating City Manager, David Molgaard, as an additional Authorized Representative for the purpose of authorizing escrow disbursements on behalf of the City under the aforementioned Escrow Lease Purchase Escrow Accounts."

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

That ratification of Resolution and Declaration of Official Intent for Lease Purchase Escrow Account No. 1000129571 and Account No. 1000129621, collectively attached hereto as Exhibit A, related to a three-year and five-year lease agreement between the City and Chase Equipment Leasing, Inc., for the purchase of police cars and various equipment for City departments, previously approved by Council under Resolution No. 093-06, and designating City Manager, David Molgaard, as an additional Authorized Representative for the purpose of authorizing escrow disbursements on behalf of the City under the aforementioned Escrow Lease Purchase Escrow Accounts, 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. 128-06, adopted.

8. Your Committee on Finance has had under consideration Resolution No. 129-06, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 129-06: "Authorizing the Finance Director to amend the 2006-2007

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 amend the 2006-2007 Civic Center Budget as indicated on the attached list of accounts; and be it

FURTHER RESOLVED, that this budgetary amendment 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, absent – 0, as follows:

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

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No.129-06, adopted.

9. Your Committee on Finance has had under consideration Resolution No. 130-06, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 130-06: “Authorizing the Mayor or City Manager to enter into a contract(s) with Acordia National for the City’s Healthcare TPA Services, Disease Management, Wellness Initiatives, and related healthcare cost containment measures pursuant to the attached rate schedule and/or negotiated terms.”

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

That the Mayor or City Manager is hereby authorized and directed to enter into a contract(s) with Acordia National for the City’s Healthcare TPA Services, Disease Management, Wellness Initiatives, and related healthcare cost containment measures pursuant to the attached rate schedule and/or negotiated terms.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 130-06, adopted. ABSTAIN - Lane

10. Your committee on Finance has had under consideration a bid submitted by MTS Seating, in the amount of \$62,132, for purchase of 1,000 Stackable Seats and 15 Dollies to be utilized in a variety of meeting, banquet and conference room areas at the Charleston Civic Center. To be charged to Account No. 220-979-01-910-4-458, Civic Center—Capital Outlay, Major Improvements.

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 proposal submitted by Stephens Auto Center, in the amount of \$33,732, for purchase of two Jeep Liberty vehicles (\$16,866 each) to be assigned to the City Engineer and Building Commission departments.

To be charged to the following accounts:

\$16,866 - 001-975-00-420-4-459, Engineer—Capital Outlay, Equipment

\$16,866 - 001-975-00-436-4-459, Building—Capital Outlay, Equipment

(The two vehicles are being purchased as part of the Lease/Purchase Escrow Account Schedule No. 1000129571 for FY 2007)

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 Bobcat of Advantage Valley, in the amount of \$25,000, for purchase of a utility vehicle, with attachments, to be used by the Public Grounds Department. To be charged to Account No. 001-975-00-567-4-459, Public Grounds—CO, Equipment

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 Altec Industries, Inc., in the amount of \$74,450, for an Aerial, Telescopic Bucket Truck to be used by the Public Grounds Department. To be charged to Account No. 001-975-00-567-4-459, Public Grounds—Capital Outlay, Equipment.

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 Bill No.7238, and reports the same to Council with the recommendation that the bill be adopted.

Bill No.7238- - A Bill authorizing the Mayor to transfer by deed all ownership rights and interests of the City to a City owned portion of The Daniel Boone Park on which the historic structure known as the Craik-Patton house is situated, said portion being 28,681 square feet (the "Property"), to Craik-Patton, Inc. a non-profit corporation created and existing under the laws of the State of West Virginia whose charter meets the requirements of W. Va. Code Section 8-32-1 for such transfer,

WHEREAS, the Craik-Patton house, a historically significant structure maintained by Craik-Patton, Inc., is currently situated on the Property and is open to the public at large, and

WHEREAS, possession of the Property by Craik-Patton, Inc., would enable Craik-Patton, Inc., to qualify for certain benefits and funding and receive public recognitions that are otherwise unavailable to Craik-Patton,

WHEREAS, pursuant to W.Va. Code Section 8-32-1, the City is authorized to transfer the Property to Craik-Patton, Inc., without consideration, and

WHEREAS, the proposed deed (attached as Exhibit A) provides that if at any time such property ceases to be used for public purposes, as specified in W. Va. Code Section 8-32-1, ownership will revert to the City of Charleston,

WHEREAS, the City desires to deed and relinquish all ownership rights and interests in the Property;

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

The Mayor is authorized to transfer by deed all ownership rights and interests of the City to the Property— a City owned portion of The Daniel Boone Park on which the historic structure known as the Craik-Patton house is situated, said portion being 28,681 square feet—, to Craik-Patton, Inc.

The question being on the passage of the Bill as amendment a roll call was taken and there were; yeas-28, absent – 0, as follows:

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

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the bill 7238, passed.

REPORTS OF OFFICERS

1. Report of the City of Charleston Financial Statements for the One Month Period Ended July 31, 2006.

Received and Filed.

2. Report of the City of Charleston Financial Statements for the Two Month Period Ended August 31, 2006.

Received and Filed.

3. Report of the City of Charleston Financial Statements for the Two Month Period Ended September 30, 2006.

Received and Filed.

4. Report of the City of Charleston, Municipal Court Financial Statements; October 2006.

Received and Filed.

NEW BILLS

Introduced by Councilmember Mary Jean Davis, on November 6, 2006:
Bill No. 7236 amending the Zoning Ordinance for the City of Charleston, West Virginia, adopted November 21, 2005 in order to make corrective additions and deletions.
Refer to Municipal Planning Commission

Introduced by Councilmember David Higgins, on November 6, 2006:
Bill No. 7239- Authorizing the Mayor on behalf of the City of Charleston to enter into an agreement with the West Virginia Department of Transportation/Division of Motor Vehicles, "WVDMV" that will permit the City to obtain necessary information from the WVDMV.
Refer to Streets and Traffic Committee

ROLL CALL

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

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

At 8:30 p.m., on motion of Councilmember Loeb, Council adjourned until Monday, November 20, 2006, at 7:00 p.m.

Danny Jones, Honorable Mayor

James M. Reishman, City Clerk