

JOURNAL
OF THE
COUNCIL
CITY OF CHARLESTON
WEST VIRGINIA

March 6, 2006

THE COUNCIL MET IN CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE FIRST MEETING IN THE MONTH OF MARCH ON THE 6th DAY, IN THE YEAR 2006, 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 JERRY WARE.

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

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

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

1. Steve Fowler – Charleston Downtown Historic District
2. Mia Moran-Cooper – Gambling Awareness Week
3. George Manahan– Charleston Downtown Historic District

CLAIMS

1. A claim of Martin Eich, 744 Myrtle Rd., Charleston, WV; alleges personal injury. Refer to City Solicitor.

APPOINTMENTS

The Clerk read the Appointments

TO: JAMES REISHMAN, CITY CLERK
FROM: DANNY JONES, MAYOR
RE: CHARLESTON CONVENTION AND VISITORS BUREAU BOARD
DATE: MARCH 6, 2006

I recommend that Georgette George, Ramada Plaza Hotel, 400 2nd Avenue, South Charleston, WV 25303, be reappointed to the Charleston Convention and Visitors Bureau Board, with a said term to expire February 7, 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: CHARLESTON CONVENTION AND VISITORS BUREAU BOARD
DATE: MARCH 6, 2006

I recommend that Drew Payne, Charleston Convention and Visitors Bureau Board, 300 Capitol Street, Suite 1503, Charleston, WV 25301, be reappointed to the Charleston Convention and Visitors Bureau Board, with a said term to expire February 7, 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: CHARLESTON CONVENTION AND VISITORS BUREAU BOARD
DATE: MARCH 6, 2006

I recommend that Peggy Pope, 406 Abbey Drive, Charleston, WV 25314, be reappointed to the Charleston Convention and Visitors Bureau Board, with a said term to expire February 7, 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: CHARLESTON CONVENTION AND VISITORS BUREAU BOARD
DATE: MARCH 6, 2006

I recommend that Tom Susman, 122 Capitol Street, Charleston, WV 25301, be reappointed to the Charleston Convention and Visitors Bureau Board, with a said term to expire February 7, 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: CHARLESTON CONVENTION AND VISITORS BUREAU BOARD
DATE: MARCH 6, 2006

I recommend that Patricia L. Pitrolo, 313 Southpointe Dr., Charleston, WV 25314, be reappointed to the Charleston Convention and Visitors Bureau Board, with a said term to expire February 7, 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: CHARLESTON CONVENTION AND VISITORS BUREAU BOARD
DATE: MARCH 6, 2006

I recommend that Lisa McCracken, Charleston Town Center Mall, 3000 Charleston Town Center, Charleston, WV 25389, be appointed to the Charleston Convention and Visitors Bureau Board, with an initial term to expire February 7, 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: MUNICIPAL BEAUTIFICATION COMMISSION
DATE: MARCH 6, 2006

I recommend that Otis Laury, 1800 Roundhill Road, Charleston, WV 25314, be reappointed to the Municipal Beautification Commission, with a said term to expire September 19, 2008.

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: MARCH 6, 2006

I recommend that Clara Thomas, 910 Newton Road, Charleston, WV 25314, be reappointed to the Municipal Beautification Commission, with a said term to expire September 19, 2008.

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: MARCH 6, 2006

I recommend that Mary Catherine Lowder Bailey, 848 Beaumont Road, Charleston, WV 25314, be reappointed to the Municipal Beautification Commission, with a said term to expire September 19, 2008.

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: MARCH 6, 2006

I recommend that Mary Anne Michael, 808 Middle Road, Charleston, WV 25314, be appointed to the Municipal Beautification Commission, with a said term to expire September 19, 2008. She is replacing William E. Miller.

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

Council approved the appointment.

MISCELLANEOUS RESOLUTIONS

Resolution No. 995-06

Introduced in Council

March 6, 2006

Tom Lane, Charles Loeb, Mary Jean Davis

WHEREAS: The Rev. Paul Joseph Gilmer was a prominent figure in the City of Charleston and the Kanawha Valley for decades as a pastor, public servant, leader of several non-profit organizations and true leader of our city and state; and

WHEREAS: Pastor Gilmer was the force behind the founding of the Charleston Black Ministers' Alliance, served as President of the Alliance and played a crucial role for several decades

in promoting matters of equality and justice for all citizens in our community; and

WHEREAS: As pastor of the First Baptist Church of Vandalia within the City of Charleston for 42 years and a long-time leader within the Charleston Ministerial Alliance, the West Virginia Baptist Convention and Mount Olivet Missionary Baptist Association, the Rev. Gilmer became a solid pillar of our city's and state's faith community as well as a powerful voice and moral compass for our greater community; and

WHEREAS: In addition to serving his Lord, Rev. Gilmer led a life dedicated to service above self, serving the citizens of Charleston as a fireman and assistant fire chief, serving our state's college students as President of the West Virginia Board of Regents, serving more young people as a board member of both the Charleston OIC and Boys Club and serving to meet the needs of many others through the Vandalia Terrace Housing Corporation, United Way, NAACP, Charleston Business and Professional Men's Club, Sunrise Cultural Center and other organizations; and

WHEREAS: Pastor Gilmer also leaves a powerful legacy through his family, which features five generations at his passing, including his eldest son, Paul Jr., who has capably continued his father's legacy of community service as a member of City Council and in several official and volunteer capacities within many other organizations that make a difference in the lives of our people in our city.

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

That Rev. Paul Joseph Gilmer be recognized as an exemplary and outstanding citizen of Charleston for his dedication to our city, his faith and our greater community.

We join in offering condolences on his passing to his wife of 58 years, Anna Evans Gilmer, his extended family and his many friends. We are saddened by his passing but blessed because of his nearly 82 years of life with us and service to our city and its people.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 995-06 as amended, adopted.

REPORTS OF STANDING COMMITTEES

FINANCE

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

1. Your Committee on Finance has had under consideration Resolution No. 988-06, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 988-06: "Authorizing the Finance Director to amend 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 amend the 2005-2006 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-25, absent – 3, as follows:

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

ABSENT: Ealy, Weintraub, White.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 988-06, adopted.

2. Your Committee on Finance has had under consideration Resolution No. 989-06, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 989-06: “Authorizing the Finance Director to amend the 2005-2006 General Fund 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 2005-2006 General Fund 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-25, absent – 3, as follows:

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

ABSENT: Ealy, Weintraub, White.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 989-06, adopted.

3. Your Committee on Finance has had under consideration Resolution No. 990-06, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 990-06: “Authorizing the Mayor to enter into an Agreement with Nextel Partners to provide the City of Charleston cellular phone service for all City departments. This Agreement will commence on March 13, 2006, and continue for a

period of one year.”

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 Nextel Partners to provide the City of Charleston cellular phone service for all City departments. This Agreement will commence on March 13, 2006, and continue for a period of one year.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 990-06, adopted.

4. Your Committee on Finance has had under consideration Resolution No. 991-06, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 991-06: “Authorizing the Mayor to sign an application to receive and administer grant funds from the Bureau of Justice Assistance, in the amount of \$110,975, to serve the Charleston Police Department (\$75,582); and the Kanawha County Sheriff’s Department (\$35,393).”

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

That the Mayor is hereby authorized and directed to sign an application to receive and administer grant funds from the Bureau of Justice Assistance, in the amount of One Hundred Ten Thousand Nine Hundred Seventy-five Dollars (\$110,975), to serve the Charleston Police Department (\$75,582); and the Kanawha County Sheriff’s Department (\$35,395).

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 991-06, adopted.

5. Your Committee on Finance has had under consideration Resolution No. 992-06, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 992-06: “Authorizing the Mayor to sign an updated supplemental proposal from Floyd Browne Group (formerly EDG) in the amount of \$33,416 for additional lighting, utility relocation, traffic signalization and archaeological services for Phase I of the Florida Street Streetscape program.”

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

That the Mayor is hereby authorized and directed to sign an updated supplemental proposal from Floyd Browne Group (formerly EDG) in the amount of Thirty-three Thousand Four Hundred Sixteen Dollars (\$33,416) for additional lighting, utility relocation, traffic signalization and archaeological services for Phase I of the Florida

Street Streetscape program.

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

ABSENT: Ealy, Weintraub, White.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 992-06, adopted.

6. Your Committee on Finance has had under consideration Resolution No. 993-06, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 993-06: “Authorizing the Mayor to sign a contract accepting the conditions between the City of Charleston and West Virginia Development Office for a FY 2005 LEDA grant with the Center of Economic Options, in the amount of \$5,000, to perform and carry out, in a satisfactory and proper manner, all duties, tasks, and functions necessary to enable the Center of Economic Options to create marketing materials to promote small business participation in Showcase West Virginia, located at 906 Quarrier Street.”

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

That the Mayor is hereby authorized and directed to sign a contract accepting the conditions between the City of Charleston and West Virginia Development Office for a FY 2005 LEDA grant with the Center of Economic Options, in the amount of Five Thousand Dollars (\$5,000), to perform and carry out, in a satisfactory and proper manner, all duties, tasks, and functions necessary to enable the Center of Economic Options to create marketing materials to promote small business participation in Showcase West Virginia, located at 906 Quarrier Street.

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

ABSENT: Ealy, Weintraub, White.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 993-06, adopted.

7. Your committee on Finance has had under consideration a bid submitted by Dill's Fire and Safety Equipment Company, Inc., in the amount of \$91,215, for purchase of 15 self-contained breathing Apparatuses (SCBA) and related equipment to be used by the

Charleston Fire Department, and reports the same to council with the recommendation that the committee report be adopted.

The total cost distribution is as follows:

15 SCBAs @ \$4,150 each	\$62,250
24 SCBA Bottles @ \$583 each	13,992
Retrofit 21 Existing Face pieces to Clear Command.....	6,048
15 Face pieces @ \$595 each	<u>8,925</u>
Total	\$91,215

To be charged to Account No. 001-976-00-706-4-459, Fire – 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.

8. Your committee on Finance has had under consideration a bid submitted by Ocean Systems, in the amount of \$14,953, for purchase of a Video Enhancement System for the Charleston Police Department (CPD). The system will be used by the Criminal Investigations Division of the CPD to clarify and enhance video evidence. To be charged to the following accounts: \$4,011.15 – 001-976-00-700-4-459, Police – Capital Outlay, Equipment; \$10,941.89 – 090-976-00-000-4-459, Police – Capital Outlay, Equipment (Local Law Enforcement Block Grant) , 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.

9. Your committee on Finance has had under consideration a bid submitted by Electronic Communications of West Virginia, Inc., in the amount of \$24,860, for purchase of 22 Kenwood TK-290, and 11 Motorola Ex-600 XLS Handheld Radios for the Charleston Police Department (CPD). The new units will replace outdated models in various divisions of the CPD. The radios are being purchased from the bid submitted by Electronic Communications on May 24, 2005 approved by Council on June 6, 2005, and is in effect for one year period to enable the CPD to purchase radios on and as needed basis. To be charged to Account No. 001-976-00-700-4-459, Police – Capital Outlay, Equip, 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 Proposal submitted by General Truck Sales, in the amount of \$42, 560, for Purchase of one ¾-ton Van (\$17,458); and one 1-ton Dump Truck (\$25,102) to be used by the City’s Construction Crew. To be charged to Account No. 001-975-50-412-4-459, City Mgr. – Capital Outlay, Equip. (Part of Lease/ Purchase Escrow Account for FY 2006), 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 Proposal submitted by Capitol Business Interiors, in the total amount of \$18,510.10, for purchase of eight workstations and one table for scanning equipment to be installed in the new space for the City Collector's Office, located in Municipal Parking Building No. 1. To be charged to Account No. 220-975-00-440-4-458, Building Maintenance – Capital Outlay, Major Improvements, 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 payment of an invoice from Charleston Urban Renewal Authority (CURA), in the amount of \$302,311.50, for acquisition of property located at 1100 Washington Street, East, Lot B, to develop the Gateway Greenspace. Funds for the acquisition will be reimbursed through the West Virginia Department of Transportation, Division of Highways' Transportation and Community System Preservation Pilot Program (TCSP) grant. To be charged to Account No. 001-111-1, CDBG—Accounts Receivable, 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 roll call was taken and there were; yeas-25, absent – 3, as follows:

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

ABSENT: Ealy, Weintraub, White.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the committee report adopted.

REPORTS OF OFFICERS

1. Report of the City of Charleston, Municipal Court Financial Statements; February, 2006. Received and Filed.

2. Report of the City of Charleston Payroll Variance Analysis; January 2006; Received and Filed.

3. Report of the City of Charleston Payroll Variance Analysis; February 2006; Received and Filed.

4. City Treasurer's Report to City Council Month Ending January 2006; Received and Filed.

NEW BILLS INTRODUCED

Introduced by Councilmember Archie Chestnut, on March 6, 2006:

Bill No. 7195 – A Bill to establish One Hour Parking, Tow Away between the hours of 7:00 a.m. and 7:00 p.m., on both sides of Bullitt Street from Piedmont Road to Spring Street 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.

ROLL CALL

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

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

ABSENT: Ealy, Weintraub, White,

At 7:55 p.m., on motion of Councilman Loeb, Council adjourned until Monday, March 20, 2006, at 7:00 p.m.

Danny Jones, Honorable Mayor

James M. Reishman, City Clerk