

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

November 3, 2008

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 3rd DAY, IN THE YEAR 2008, AND WAS CALLED TO ORDER BY THE HONORABLE MAYOR, DANNY JONES. THE INVOCATION WAS DELIVERED BY DEITZLER AND THE PLEDGE OF ALLEGIANCE WAS LED BY PAYNE.

**BURTON
DEITZLER
HANNA
HIGGINS
KNAUFF
MILLER
REISHMAN
SHEETS
WARE
MAYOR JONES**

**CLOWSER
EALY
HARRIS
JONES
LANE
PAYNE
RUSSELL
SMITH
WEINTRAUB**

**DAVIS
HALL
HARRISON
KIRK
LANHAM
REED
SALISBURY
TALKINGTON
WHITE**

TWENTY- SEVEN 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. None

CLAIMS

1. A claim of LaRee D. Naviaux, 1603 Longridge Road, Charleston WV; alleges damage to vehicle.
Refer to City Solicitor
2. A claim of Meredith Carpenter, 608 42nd St. SE., Charleston WV; alleges damage to property.
Refer to City Solicitor

COMMUNICATIONS

The Clerk read the Communication,

City's accounting rated "excellent" – again *First city in state to gain national recognition two straight years*

CHARLESTON, W.Va. – For the second year in the row, the City of Charleston's accounting division and City Auditor are getting high praise from a national organization that judges standards in government accounting and financial reporting. The Government Finance Officers Association of the United States and Canada (GFOA) has awarded a Certificate of Achievement for Excellence in Finance Reporting for 2007 to Charleston City Auditor Brenda Lemon.

The award follows professional examination of the city's comprehensive annual financial report (CAFR) by an impartial panel of judges that apply high standards of the GFOA, emphasizing full disclosure, clear communication from the report and ease of use by people who want to examine its financial information.

According to a GFOA news release announcing the award: "The Certificate of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management."

"This award is a great testament to the quality work done by City Controller Brenda Lemon, our accounting and auditing staffs in making sure the City of Charleston's financial books are in good order, well managed and user friendly for citizens to examine and understand," Mayor Danny Jones said. "I'm told that we were the first municipality ever in West Virginia to achieve this recognition last year, and this rating confirms that our high quality of work is continuing."

The Clerk read the appointment

TO: JAMES REISHMAN

CITY CLERK

FROM: DANNY JONES
MAYOR

RE: MUNICIPAL BEAUTIFICATION COMMISSION

DATE: NOVEMBER 3, 2008

I recommend that Amy McLaughlin, 7 Arlington Court, Charleston, WV 25301, be appointed to the Municipal Beautification Commission, with a said term to expire September 19, 2011. She is replacing Clara Thomas.

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

Council approved the appointment.

FINANCE

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

1. Your Committee on Finance has had under consideration Resolution No 473-08, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 473-08: "Authorizing the Mayor to sign Change Order No. 3 with D. C. Byers Company / Ohio, Inc., in an amount not to exceed \$21,298.87, for repairs to Municipal Parking Building No. 5 (Shanklin)."

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. 3 with D. C. Byers Company / Ohio, Inc., in an amount not to exceed \$21,298.87, for repairs to Municipal Parking Building No. 5 (Shanklin). The change order provides time and materials for the following work: 200 square feet of asphalt removal and replacement; 4.5 square feet of concrete floor repair at south stair tower; 50 lineal feet of cove sealant replacement; urethane base coat (approximately 170 square feet); and steel stair repairs at both stair towers. The original contract for Repairs to Municipal Parking Building Nos. 3, 4, and 6 was for \$722,385.00. Deductions in the amount of -\$12,320.92 and the addition of \$21,298.87 through Change Order No. 3 establish a new contract price of \$731,362.95.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-27, absent - 1, as follows:

YEAS: Clowser, Davis, Ealy, Hanna, Harris, Harrison, Higgins, Jones, Kirk, Knauff,

Lane, Lanham, Miller, Payne, Reed, Reishman, Russell, Salisbury, Sheets, Smith, Talkington, Ware, Weintraub, White , Mayor Jones.

ABSENT: Burton,

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 473-08 adopted.

2. Your Committee on Finance has had under consideration Resolution No 474-08, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 474-08 : “Authorizing the Finance Director to amend the 2008-2009 Parking System 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 2008-2009 Parking System 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-27, absent - 1, as follows:

YEAS: Clowser, Davis, Ealy, Hanna, Harris, Harrison, Higgins, Jones, Kirk, Knauff, Lane, Lanham, Miller, Payne, Reed, Reishman, Russell, Salisbury, Sheets, Smith, Talkington, Ware, Weintraub, White , Mayor Jones.

ABSENT: Burton,

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 474-08 adopted.

3. Your Committee on Finance has had under consideration Resolution No 475-08, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 475-08 : “Authorizing the Finance Director to amend the 2008-2009 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 2008-2009 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-27, absent - 1, as follows:

YEAS: Clowser, Davis, Ealy, Hanna, Harris, Harrison, Higgins, Jones, Kirk, Knauff, Lane, Lanham, Miller, Payne, Reed, Reishman, Russell, Salisbury, Sheets, Smith, Talkington, Ware, Weintraub, White , Mayor Jones.

ABSENT: Burton,

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 475-08 adopted.

4. Your Committee on Finance has had under consideration Resolution No 476-08, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 476-08: "Authorizing the Finance Director to amend the 2008-2009 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 2008-2009 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-27, absent - 1, as follows:

YEAS: Clowser, Davis, Ealy, Hanna, Harris, Harrison, Higgins, Jones, Kirk, Knauff, Lane, Lanham, Miller, Payne, Reed, Reishman, Russell, Salisbury, Sheets, Smith, Talkington, Ware, Weintraub, White , Mayor Jones.

ABSENT: Burton,

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 476-08 adopted.

5. Your Committee on Finance has had under consideration Resolution No 477-08, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 477-08: "Authorizing the Finance Director to amend the 2008-2009 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 2008-2009 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-26, absent - 2, as follows:

YEAS: Clowser, Davis, Ealy, Hanna, Harris, Harrison, Higgins, Jones, Kirk, Knauff, Lane, Lanham, Payne, Reed, Reishman, Russell, Salisbury, Sheets, Smith, Talkington, Ware, Weintraub, White , Mayor Jones.

ABSENT: Burton, Miller

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 477-08 adopted.

6. Your Committee on Finance has had under consideration Resolution No 478-08, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 478-08: "Authorizing the Finance Director to amend the 2008-2009 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 2008-2009 Civic Center Budget as indicated on the attached list of accounts.

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

YEAS: Clowser, Davis, Ealy, Hanna, Harris, Harrison, Higgins, Jones, Kirk, Knauff, Lane, Lanham, Payne, Reed, Reishman, Russell, Salisbury, Sheets, Smith, Talkington, Ware, Weintraub, White , Mayor Jones.

ABSENT: Burton, Miller

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 478-08 adopted.

7. Your Committee on Finance has had under consideration Resolution No 479-08, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 479-08: "Authorizing the Finance Director to amend the 2008-2009 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 2008-2009 Civic Center Budget as indicated on the attached list of accounts.

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

YEAS: Clowser, Davis, Ealy, Hanna, Harris, Harrison, Higgins, Jones, Kirk, Knauff, Lane, Lanham, Payne, Reed, Reishman, Russell, Salisbury, Sheets, Smith, Talkington, Ware, Weintraub, White , Mayor Jones.

ABSENT: Burton, Miller

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 479-08 adopted.

8. Your Committee on Finance has had under consideration Resolution No 480-08, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 480-08: “Authorizing the Mayor to sign Community Participation Grant Program Contract No. 08LEDA0153 between the City of Charleston and the West Virginia Development Office on behalf of Daymark Incorporated/Patchwork in the amount of \$6,000.”

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

That the Mayor is hereby authorized and directed to sign Community Participation Grant Program Contract No. 08LEDA0153 between the City of Charleston and the West Virginia Development Office on behalf of Daymark Incorporated/Patchwork in the amount of \$6,000.

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

YEAS: Clowser, Davis, Ealy, Hanna, Harris, Harrison, Higgins, Jones, Kirk, Knauff, Lane, Lanham, Payne, Reed, Reishman, Russell, Salisbury, Sheets, Smith, Talkington, Ware, Weintraub, White , Mayor Jones.

ABSENT: Burton, Miller

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 480-08 adopted.

9. Your Committee on Finance has had under consideration Resolution No 481-08, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 481-08: “Approving settlement of claims related to construction of the roof and damage to the interior of the Kanawha City Community Center (the “KCCC”), resulting in the amount of \$125,000.00 to be paid to the City of Charleston as full and final settlement for claims of damage to the KCCC, and to secure the mutual release between the City of Charleston, Beam, Inc., and James River Insurance Company; and further authorizing the Mayor to execute any and all documents necessary to consummate the full resolution of this matter.”

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

That the City Council for the City of Charleston hereby approves the acceptance of the

amount of \$125,000.00 by the City as full and final settlement of claims related to construction of the roof and damage to the interior of the KCCC, in exchange for a mutual release between the City of Charleston, Beam, Inc., and James River Insurance Company; and further authorizes the Mayor to execute any and all documents necessary to consummate the full resolution of this matter.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 481-08, adopted.

10. Your Committee on Finance has had under consideration Resolution No 482-08, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 482-08 : “Authorizing the Mayor to enter into a License Agreement with the Central West Virginia Regional Airport Authority for the purpose of facilitating the creation and maintenance of a recreational trail for use and enjoyment by the public.”

WHEREAS, a major component of the City of Charleston’s vision statement is to become the Recreational Capitol of the Appalachian Mountains; and

WHEREAS, The City of Charleston realizes the positive impact that recreational trails have upon its citizens by promoting fitness and healthier lifestyles, providing for alternative forms of transportation, increasing property values, and preserving scenic beauty; and

WHEREAS, the Charleston Land Trust and the Greenways Committee are creating a comprehensive trails system for the greater Charleston area; and

WHEREAS, part of this trail system envisions a trail connecting Coonskin Park with Capitol Market thereby crossing through property owned by the Central West Virginia Regional Airport Authority; and

WHEREAS, the Central West Virginia Regional Airport Authority Board has passed a Resolution authorizing the Authority to grant the City of Charleston a license to a portion of the Authority’s property for the purpose of facilitating the creation and maintenance of a recreational trail for use and enjoyment by the public;

Now, therefore, be it Resolved by the Council of the City of Charleston, West Virginia:

That the City Council for the City of Charleston hereby authorizes the Mayor to enter into a License Agreement with the Central West Virginia Regional Airport Authority for the purpose of facilitating the creation and maintenance of a recreational trail for use and enjoyment by the public.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 482-08, adopted.

11. Your Committee on Finance has had under consideration Resolution No 483-08, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 483-08: “Authorizing the Mayor to enter into an agreement with Foster Fuels, Inc., for purchase of 87 Octane Gasoline at \$1.9950 per gallon, and Ultra Low Sulfur Diesel Gasoline at \$2.4290 per gallon to serve the City’s vehicle fueling requirements for a one year period from November 18, 2008 to November 18, 2009. This contract 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 Foster Fuels, Inc., for purchase of 87 Octane Gasoline at \$1.9950 per gallon, and Ultra Low Sulfur Diesel Gasoline at \$2.4290 per gallon to serve the City’s vehicle fueling requirements for a one year period from November 18, 2008 to November 18, 2009. This contract 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 price.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 483-08, adopted.

12. Your committee on Finance has had under consideration a proposal submitted by General Truck Sales Corporation, in the total amount of \$84,670, for purchase of the following four (4) vehicles:

- 1 12 Passenger Van for Parks & Recreation\$25,450
- 1 ¾-ton Pickup for Public Grounds \$21,500
- 2 ½-ton Pickups for Construction Crew (\$18,860 each)..... \$37,720

To be charged to the following accounts:

- \$25,450 001-979-00-900-4-459, P&R—Capital Outlay, Equipment
- \$21,500 001-975-00-567-4-459, Public Grounds—Capital Outlay, Equipment
- \$37,720 001-975-00-412-4-459, CM/Construction—Capital Outlay, Equipment

(Above vehicles are part of Lease/Purchase Escrow Account Schedule No. 1000132835), and reports the same to Council with the Recommendation that the committee report be adopted.

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

REPORTS OF OFFICERS

1. City Treasurer’s Report to City Council Month Ending August 2008.
Received and Filed.

2. Report of the City of Charleston Financial Statements for the

Fiscal Year Ended June 30, 2008.
Received and Filed.

3. Report of the City of Charleston Financial Statements for the
One- Month Period Ended July 31, 2008.
Received and Filed.

4. Report of the City of Charleston Financial Statements for the
Two- Month Period Ended August 31, 2008.
Received and Filed.

5. Report of the City of Charleston Financial Statements for the
Three- Month Period Ended September 30, 2008.
Received and Filed.

NEW BILLS

Introduced by Council Member Mary Jean Davis on November 3, 2008:

Bill No. 7356: A Bill 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 C-8 to I-2 those certain parcels known as WC Tax Map 21, Parcels 26, 26.1, 27, and 28 in order to correct inaccurate designations of certain parcels within the West Side Community Renewal Plan, Proposed Zoning Map, adopted June 16, 2008.

Refer to Municipal Planning Commission.

Introduced by Council Member Bobby Reishman on November 3, 2008:

Bill No. 7357: A Bill 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 a R-4 district to a R-6 district, that certain parcel of land situate at 430, 432, 434, 436 Porter Road, Charleston, West Virginia.

Refer to Municipal Planning Commission.

Introduced by Council Member Mary Jean Davis on November 3, 2008:

Bill No. 7358: A Bill providing for an annexation without an election for a portion of real property, being that certain tract of real property containing approximately 2.50 acres of land, together with all buildings, fixtures and structures thereon, all improvements thereto, and any and all mineral rights, rights-of-way, easements, privileges, tenements and appurtenances upon, belonging, or in any way appertaining to such land situate on the waters of Elk Two Mile Creek in Elk Tax District, Kanawha County, West Virginia and commonly known as the Cornerstone Building with a street address of 1409 Greenbrier Street pursuant to the provisions of Chapter 8, Article 6, Section 4 of the West Virginia Code, 2001, as amended, and directing the City Clerk to forward a certificate to the County Court of Kanawha County to the effect that a petition for annexation has been filed, in the manner required by law, to increase the city of Charleston corporate limits.

Refer to Municipal Planning Commission.

Introduced by Council Member Bobby Reishman on November 3, 2008:

Bill 7360 - A Bill to establish a 20 Mile Per Hour speed limit on Loudon Heights Road from the intersection of Loudon Heights Road and Bendview Drive to the intersection of Loudon Heights Road And Loudon Heights Road near Somerlayton Drive (that being the 1800 Block of Loudon Heights Road), and amending the Traffic Control Map and Traffic Control File, 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.

Introduced by Council Member David Higgins on November 3, 2008:

Bill 7361 - A Bill to establish a 15 Mile Per Hour speed limit on Briarwood Road, and amending the Traffic Control Map and Traffic Control File, 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.

Introduced by Council Member Lewis Payne on November 3, 2008:

Bill No. 7362 - A Bill to establish a 20 Mile Per Hour speed limit on Dogwood Road, And amending the Traffic Control Map and Traffic Control File, 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: Clowser, Davis, Ealy, Hanna, Harris, Harrison, Higgins, Jones, Kirk, Knauff, Lane, Lanham, Payne, Reed, Reishman, Russell, Salisbury, Sheets, Smith, Talkington, Ware, Weintraub, White , Mayor Jones.

ABSENT: Burton, Miller

At 7:45 p.m., by a motion from Councilmember Harrison, Council adjourned until Monday, November 17, 2008, at 7:00 p.m.

Danny Jones, Honorable Mayor

James M. Reishman, City Clerk