

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

March 17, 2008

THE COUNCIL MET IN CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE SECOND MEETING IN THE MONTH OF MARCH ON THE 17th DAY, IN THE YEAR 2008, 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 HIGGINS.

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

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

**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

None

CLAIMS

None

COMMUNICATIONS

The Clerk read the Communication:

Honorable Danny Jones and
City Council Members
Charleston, West Virginia 25301

Dear Mayor Jones and Councilmember's:

On March 5, 2008, the Municipal Planning Commission held public hearings and its regular monthly meeting. The following cases should be referred to the Planning Committee of Council.

Bill # 7317 – A Bill amending the Zoning ordinance for the City of Charleston, West Virginia, adopted November 21, 2005, as it pertains to electronic reader board signs for areas of major public assembly located in the Central Business District, clarification of the section pertaining to non-conforming on-premise signs, and clarification of the definition of allowable locations of joint and shared use parking.

Bill#7321 – Petition of Jonathan Nicol, Attorney, on behalf of Goodwill Industries requesting to close, abandon and discontinue as a public right-of-way the (10) foot wide alley that runs between and is perpendicular to Monongalia Street and Virginia Street, West, located in Charleston West Tax District of the City of Charleston, West Virginia.

Sincerely,
Municipal Planning Commission
Phyllis White, Administrative Assistant

The Mayor referred the Cases to the Planning Committee of Council.

STREETS AND TRAFFIC

Councilman David Higgins, of the Council Committee on Streets and Traffic, submitted the following reports.

1. Your Committee on Streets and Traffic has had under consideration Bill No. 7322, and reports the same to Council with the recommendation that the Bill do pass.

Bill 7322 - A Bill to establish a Stop Intersection on Upper Vine Street at Gap Road Requiring vehicles west bound on Upper Vine Street to stop, 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.

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

Section 1. a Stop Intersection on Upper Vine Street at Gap Road requiring vehicles West bound on Upper Vine Street to stop.

Section 2. 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, shall be and hereby are amended, to conform to this Ordinance.

Section 3. All prior Ordinances, inconsistent with this Ordinance are hereby repealed *to the* extent of said inconsistency.

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

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

ABSENT: Weintraub

2. Your Committee on Streets and Traffic has had under consideration Bill No. 7323, and reports the same to Council with the recommendation that the Bill do pass.

Bill 7323 - A Bill to repeal Bill No. 6854 passed by Council on November 19, 2001 , relating to a vehicular parking zone for the exclusive use of the physically disabled on the northerly side of Wyoming Street from a point 145 feet east of Ohio Avenue to a point 185 feet east of Ohio Avenue, to provide for the removal of vehicles illegally parked in these spaces, to incorporate the provisions of West Virginia Code, Chapter 17C, Article 13, Section 16, 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, Chapter one fourteen, Article five, to conform therewith.

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

Section 1. Bill No. 6854 passed by Council on November 19, 2001 , relating to a vehicular parking zone for the exclusive use of the physically disabled on the northerly side of Wyoming Street from a point 145 feet east of Ohio Avenue to a point 185 feet east of Ohio Avenue, to provide for the removal of vehicles illegally parked in these spaces, to incorporate the provisions of West Virginia Code, Chapter 17C, Article 13,

Section 16 is hereby repealed.

Section 2. 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, Chapter one fourteen, Article five, shall be and hereby are, amended to conform to this Ordinance.

Section 3. All prior Ordinances, inconsistent with this Ordinance are hereby repealed to the extent of said inconsistency.

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

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

ABSENT: Weintraub

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. 344-08, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 344-08: "Authorizing the Mayor to enter into an Agreement with Carl Walker, Inc., in the amount of \$110,615, for preparation of construction documents and specifications, assist in the bidding process, evaluate contractors' bids, and conduct construction inspections for repairs to Municipal Parking Building No. 3 (Greyhound) and Municipal Parking Building No. 4 (Civic Center)."

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 Carl Walker, Inc., in the amount of One Hundred Ten Thousand, Six Hundred Fifteen Dollars (\$110,615), for preparation of construction documents and specifications, assist in the bidding process, evaluate contractors' bids and conduct construction inspections for repairs to Municipal Parking Building No. 3 (Greyhound) and Municipal Parking Building No. 4 (Civic Center).

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 344-08, adopted

2. Your Committee on Finance has had under consideration Resolution No. 345-08, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 345-08: “Agreement with Jimmy Dunn Excavating, Inc., in the amount of \$737,257, for the Porter Road Bridge and Retaining Wall Project, providing for the replacement of three bridge structures, 520 linear feet of retaining wall, and approximately 735 linear feet of sanitary sewer replacement.”

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

That the Mayor is hereby authorized to enter into an Agreement with Jimmy Dunn Excavating, Inc., in the amount of Seven Hundred Thirty-seven Thousand, Two Hundred Fifty-seven Dollars (\$737,257), for the Porter Road Bridge and Retaining Wall Project, providing for the replacement of three bridge structures, 520 linear feet of retaining wall, and approximately 735 linear feet of sanitary sewer replacement.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 345-08, adopted

3. Your Committee on Finance has had under consideration Resolution No. 346-08, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 346-08: “Authorizing the :Mayor to enter into a contract with Suttle & Stalnaker, in the amount of \$4,800, for an Agreed Upon Procedures Engagement for the Solid Waste Facility, operated by Landfill Services of Charleston, Inc., for the calendar year ended December 31, 2007.”

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 Suttle and Stalnaker, in the amount of Four Thousand Eight Hundred Dollars (\$4,800), for an Agreed Upon Procedures Engagement for the Solid Waste Facility, operated by Landfill Services of Charleston, Inc., for the calendar year ended December 31, 2007.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 346-08, adopted

4. Your Committee on Finance has had under consideration Resolution No. 347-08, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 347-08: “Authorizing the Mayor to enter into an Agreement with Alpha Technologies, in the amount of \$55,220, for installation of a Wireless Communication System at the Charleston Civic Center.”

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 Alpha Technologies, in the amount of Fifty-five Thousand Two Hundred Twenty Dollars (\$55,220), for installation of a Wireless Communication System at the Charleston Civic Center.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 347-08, adopted

5. Your Committee on Finance has had under consideration Resolution No. 348-08, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 348-08: “Authorizing the Mayor to enter into a renewal contract with Commercial Insurance Services and Arthur J. Gallagher Risk Management Services, Inc., and Alternative Service Concepts, LLC, at a price not to exceed \$1,681,466.51, for the City’s Risk Management and Property and Casualty Insurance coverage for the period March 31, 2008 through March 31, 2009, pursuant to the attached chart of coverages, and specifically by rejecting all underinsured motorists coverage and accepting uninsured motorist coverage with statutory minimum limits of \$20,000/\$40,000/\$10,000 only; and further authorizing the Mayor to sign the appropriate forms rejecting the underinsured motorists coverage and accepting the uninsured motorists coverage.”

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 renewal contract with Commercial Insurance Services and Arthur J. Gallagher Risk Management Services, Inc., and Alternative Service Concepts, LLC, at a price not to exceed \$1,681,466.51, for the City’s Risk Management and Property and Casualty Insurance coverage for the period March 31, 2008 through March 31, 2009, pursuant to the attached chart of coverages, and specifically by rejecting all underinsured motorists coverage and accepting uninsured motorist coverage with statutory minimum limits of \$20,000/\$40,000/\$10,000 only; and further authorizing the Mayor to sign the appropriate forms rejecting the underinsured motorists coverage and accepting the uninsured motorists coverage.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 348-08, adopted. No vote by Deitzler.

6. Your Committee on Finance has had under consideration Resolution No. 349-08, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 349-08: “Authorizing the City Manager to enter into a Credit Card Agreement with JP Morgan Chase Bank for City-wide use with a credit limit of \$10,000.”

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

That the City Manager is hereby authorized and directed to enter into a Credit Card Agreement with JP Morgan Chase Bank for City-wide use with a credit limit of Ten Thousand Dollars (\$10,000).

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 349-08, adopted.

7 Your Committee on Finance has had under consideration Resolution No. 303-07, Committee Substitute as amended, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 303-07– “Granting Doublet Enterprises, LLC an Easement for use of air rights over Dickinson Street to construct and connect a skyway for pedestrian foot traffic between the building owned by Doublet Enterprises, on the West side of Dickinson Street, and the City’s Parking Garage No. 1 on the East side of Dickinson Street in the City of Charleston, West Virginia.”

WHEREAS, a connecting skyway access between the office building owned by Doublet Enterprises, LLC on the West side of Dickinson Street and the City’s parking garage designated as Parking Garage #1 on the East side of Dickinson Street is in the best interests of the residents and visitors to the City in order to connect Doublet’s office building with the City’s parking garage which will promote the safety and welfare of pedestrian and motorists whether they be employees, visitors, or the general public in the vicinity of Dickinson Street; and

WHEREAS, it is considered by Council that granting the easement for the use of air rights over Dickinson Street and the right to use City property to attach a skyway to the Parking Garage #1 is reasonable and necessary and that the interests of the City and its citizens will be promoted by the granting of the said easement rights.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CHARLESTON, WEST VIRGINIA

(1) That Doublet Enterprises, LLC, and its lessees, successors or assigns, are hereby granted an easement for the use of air rights over Dickinson Street for the purpose of constructing, operating, maintaining, repairing and replacing a skyway for pedestrian foot traffic between the building owned by Doublet Enterprises, LLC on the West side of Dickinson Street and the City’s Parking Garage #1 on the East side of Dickinson Street, Charleston, West Virginia, generally in conformance with the design drawings which are attached hereto, incorporated herein, and made a part hereof. The easement for the use of the air rights are further defined to be a minimum of 17 feet and a maximum of 45 feet above said Dickinson Street, and a minimum of 14 feet and a maximum of 17 feet wide;

(2) That Doublet Enterprises, LLC is further granted an easement to use so much of the City's property to enable Doublet Enterprises, LLC to attach a skyway for pedestrian foot traffic to the City's Parking Garage #1, subject to the obligations and restrictions as the City Engineer may impose on the design and construction of the said skyway;

(3) The City shall have the right to inspect by qualified personnel in accordance with the American Association of State Highway and Transportation Officials (AASHTO) requirements, the reasonable cost of which shall be paid by Doublet Enterprises, LLC, and its lessees, successors or assigns, and Doublet Enterprises, LLC shall provide the City with copies of any and all inspection reports to assure the City that the skywalk is structurally sound and safe for pedestrian foot traffic and for motorists and pedestrians on Dickinson Street and the sidewalk under and near the skywalk;

(4) That the connecting skyway access construction and maintenance by Doublet Enterprises shall be enclosed and conform to all applicable State and City laws;

(5) That Doublet Enterprises, LLC, its lessees, successors or assigns, shall indemnify and save the City harmless from any damages to any person or property by reason of construction, operation, maintenance, repair or replacement of said skyway over Dickinson Street.

(6) That the Mayor of the City of Charleston be and hereby is authorized and directed to execute a Deed granting an easement for the use of the air rights and the right to use so much of the City's property as is reasonably necessary to attach the skyway to the City's Parking Garage #1, subject to and conditioned upon Doublet Enterprises, LLC, and its lessees, successors or assigns, complying with paragraphs 1, 2, 3, 4 and 5 of this Resolution, and the payment of a total of Four Thousand Two Hundred and Fifty Dollars (\$4,250) to the City of Charleston.

(7)

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 303-07, Committee Substitute, as amended, adopted.

8. Your Committee on Finance has had under consideration a bid submitted by Fairplain Tractor Sales, Inc., in the amount of \$25,740, for purchase of a Mid-Mount Articulated Boom Mower with Rotary Cutter 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, 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.

9. Your Committee on Finance has had under consideration a bid submitted by Cedarpark Computers, in the amount of \$153,480, for 68 Desktop Computers and 40 Laptop Computers to be assigned to various City departments. To be charged to Account No. 001-975-00-439-4-459, IS Dept.—Capital Outlay, Equipment, 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. Report of the City of Charleston, Municipal Court Financial Statements; February, 2008.

Received and Filed.

2. Report of the City of Charleston Payroll Variance Analysis; February, 2008;

Received and Filed.

3. City Treasurer's Report to City Council Month Ending February 2008.

Received and Filed.

4. Report of the City of Charleston Financial Statements for the Eight- Month Period Ended February 29, 2008.

Received and Filed.

NEW BILLS

Introduced by Council member Jack Harrison on March 17, 2008:

Bill No. 7324: A Bill amending Appendix A of the City of Charleston Building Department Administrative Manual, which is incorporated as part of the Code of The City of Charleston by reference as if fully restated therein pursuant to City Code § 14-32, for the purpose of standardization of the building permit fee structure consistent with the State minimum threshold for licensing of contractors under W. Va. Code §21-11-3.

Refer to Finance Committee

ROLL CALL

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

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

ABSENT: Weintraub

At 7:25 p.m., by a motion from Councilmember Harrison, Council adjourned until Monday, April 7, 2008, at 7:00 p.m.

Danny Jones, Honorable Mayor

James M. Reishman, City Clerk