

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

**April 7, 2008**

**THE COUNCIL MET IN CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE FIRST MEETING IN THE MONTH OF APRIL ON THE 7<sup>th</sup> 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 TALKINGTON.**

**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- 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. Meredith Taylor.

### **CLAIMS**

1. A claim of Kimberly Lynn Sparks, 33 TWP Rd. 1098, Chesapeake, OH; alleges personal injury.

Refer to City Solicitor

2. A claim of Charles Denham, 204 50<sup>th</sup> St., SE, Charleston, WV; alleges damage to vehicle.

Refer to City Solicitor

3. A claim of Ramona Spainhour, 5505 Staunton Ave., Charleston, WV; alleges damage to vehicle.

Refer to City Solicitor

4. A claim of Kimberly Joy Marcum, 1527 Red Oak Street, Apt B. Charleston, WV; alleges personal injury.

Refer to City Solicitor

### **COMMUNICATIONS**

The Clerk read the Appointments

TO: JAMES REISHMAN  
CITY CLERK

FROM: DANNY JONES  
MAYOR

RE: SPRING HILL CEMETERY PARK COMMISSION

DATE: APRIL 7, 2008

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I recommend that Henry Battle, 1417 Oakmont Road, Charleston, WV 25314, be reappointed to the Spring Hill Cemetery Park Commission, with a said term to expire April 6, 2013.

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

Council approved the appointment.

TO: JAMES REISHMAN  
CITY CLERK

FROM: DANNY JONES  
MAYOR

RE: SPRING HILL CEMETERY PARK COMMISSION

DATE: APRIL 7, 2008

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I recommend that Angus Peyton, Sr., 1200 Johnson Road, Charleston, WV 25314, be reappointed to the Spring Hill Cemetery Park Commission, with a said term to expire April 6, 2014.

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

Council approved the appointment.

TO: JAMES REISHMAN  
CITY CLERK

FROM: DANNY JONES  
MAYOR

RE: SPRING HILL CEMETERY PARK COMMISSION

DATE: APRIL 7, 2008

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I recommend that Richard Andre', 1639 Ravina Road, Charleston, WV 25314, be reappointed to the Spring Hill Cemetery Park Commission, with a said term to expire April 6, 2011.

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. 337-08, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 337-08: "Approved by Council on February 19, 2008, authorizing the Mayor to enter into an Agreement with Lowe's for supplying materials for

rehabilitation of owner occupied residences in the City of Charleston, is hereby rescinded.”

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

That Resolution No. 337-08, approved by Council on February 19, 2008, authorizing the Mayor to enter into an Agreement with Lowe’s for supplying materials for rehabilitation of owner occupied residences in the City of Charleston, is hereby rescinded. Lowe’s management declined to sign the Agreement as presented by the Mayor’s Office of Economic and Community Development (MOECD). The Agreement contained authorized language used in contracts for the U.S. Department of Housing and Urban Development (HUD) with guidelines that were unacceptable to Lowe’s.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-28, absent - 0, 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, Weintraub, White, Mayor Jones.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 337-08, adopted.

2. Your Committee on Finance has had under consideration Resolution No. 351-08, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 351-08: “Authorizing the Mayor to enter into an Agreement with Home Depot to supply materials for rehabilitation of owner occupied residences in the City of Charleston at prices indicated on the attached list”

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 Home Depot to supply materials for rehabilitation of owner occupied residences in the City of Charleston at prices indicated on the attached list. Lowe’s submitted the low bid for the materials and Council approved the Agreement on February 19, 2008, but management at Lowe’s declined to sign the Agreement as presented by the Mayor’s Office of Economic and Community Development (MOECD). The Agreement contained authorized language used in contracts for the U.S. Department of Housing and Urban Development (HUD) with guidelines that were unacceptable to Lowe’s. Therefore, the bid was awarded to Home Depot, the next low bidder.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-28, absent - 0, 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, Weintraub, White, Mayor Jones.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 351-08, adopted.

3. Your Committee on Finance has had under consideration Resolution No. 352-08, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 352-08: "Authorizing the Mayor to sign a Lease and License Agreement with the East End Family Resource Center (EEFRC) to use and occupy areas known as "Leased Premises" at the Roosevelt Community Center. The areas, specifically outlined in the Lease, will be used by EEFRC for business, educational, and recreational program purposes only, from the hours of 12:00 noon until 8:00 p.m., Monday through Friday, beginning from date of the fully executed Lease and License Agreement to December 31, 2008, at a rental rate of \$150.00 per month. Upon the expiration of the present Lease, this Lease may be renewed for one year or more upon agreement and terms mutually arrived at by the Lessor and Lessee. The Lease may be terminated by Lessor or Lessee by giving sixty (60) days written notice of termination."

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

That the Mayor is hereby authorized and directed to sign a Lease and License Agreement with the East End Family Resource Center (EEFRC) to use and occupy areas known as "Leased Premises" at the Roosevelt Community Center. The areas, specifically outlined in the Lease, will be used by EEFRC for business, educational, and recreational program purposes only, from the hours of 12:00 NOON UNTIL 8:00 p.m., Monday through Friday, beginning from date of the fully executed Lease and License Agreement to December 31, 2008, at a rental rate of \$150.00 per month. Upon the expiration of the present Lease, this Lease may be renewed for one year or more upon agreement and terms mutually arrived at by the Lessor and Lessee. The Lease may be terminated by Lessor or Lessee by giving sixty (60) days written notice of termination.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 352-08, adopted

4. Your Committee on Finance has had under consideration Resolution No. 353-08, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 353-08: "Authorizing the Finance Director to provide funds in the amount of \$20,010.20 to the Regional Intergovernmental Council (RIC), representing the City's share of contributions received annually by RIC from local governmental agencies in Boone, Clay, Kanawha and Putnam counties."

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

That the Finance Director is hereby authorized and directed to provide funds in the amount of \$20, 010.20 to the Regional Intergovernmental Council (RIC), representing the City's share of contributions received annually by RIC from local governmental agencies in Boone, Clay, Kanawha and Putnam counties.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 353-08, adopted

5. Your Committee on Finance has had under consideration Resolution No. 354-08, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 354-08: "Authorizing the Finance Director to amend the 2007-2008 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 2007-2008 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.

6. Your Committee on Finance has had under consideration Resolution No. 355-08, and reports the same to Council with the recommendation that the committee report be adopted.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-28, absent - 0, 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, Weintraub, White, Mayor Jones.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 354-08, adopted.

Resolution No. 355 -08: "Authorizing the Finance Director to amend the 2007-2008 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 2007-2008 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-28, absent - 0, 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, Weintraub, White, Mayor Jones.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 355-08, adopted.

7. Your Committee on Finance has had under consideration Resolution No. 356-08, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 356-08: "Authorizing the Mayor to receive and administer supplemental grant funds from the Governor's Highway Safety Office in the amount of \$57,000 for purchase of digital in-car camera systems for the Charleston Police Department."

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

That the Mayor is hereby authorized and directed to receive and administer supplemental grant funds from the Governor's Highway Safety Office in the amount of \$57,000 for purchase of digital in-car camera systems for the Charleston Police Department.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 356-08, adopted

8. Your Committee on Finance has had under consideration a proposal submitted by Glen Dale Motor Co., in the amount of \$20,644, for purchase of a Jeep Liberty vehicle to be assigned to the Engineering Department. To be charged to Account No. 001-975-00-420-4-459, Engineering—Capital Outlay, Equipment – through the JP Morgan Chase Lease Purchase Escrow Account, Schedule No. 1000131810, 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 Bill No. 7324, and reports the same to Council with the recommendation that the bill do pass.

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.

WHEREAS, currently the City requires payment of a fee to obtain a building permit to construct, alter, enlarge, repair, or make any type of alterations, excavations, or structural work of any kind where the cost of the undertaking is three hundred dollars (\$300.00) or more; and

WHEREAS, the State, under W. Va. Code §21-11-3, has established a minimum threshold for licensing of contractors performing similar work of two thousand five hundred dollars (\$2,500.00); and

WHEREAS, the proposed amendment will not result in any increase in the cost of building permits when the cost of the undertaking is in excess of two thousand five hundred dollars (\$2,500.00), will maintain consistency between City and State contracting practices, and by excluding payment for a building permit when the cost of the undertaking is less than two thousand five hundred dollars (\$2,500.00) will make it more cost effective for property owners to make minor repairs or alterations to their properties without incurring additional expense when obtaining a building permit.

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

Appendix A of the City of Charleston Building Department Administrative Manual, which is incorporated as part the Code of The City of Charleston by reference as if fully restated therein pursuant to City Code § 14-32, is amended as follows:

**BUILDING PERMIT / DEMOLITION FEES**

1. For the inspection of an old building by request of owner - \$25.00
2. Landscaping only when the estimated cost is \$10,000.00 or above, fees shall be based on the Building Permit Schedule of Fees.
3. Permit to construct, alter, enlarge, repair or make any type of alterations, excavations, or structural work of any kind, the cost is as follows:

COST OF WORK	BUILDING PERMIT FEE
<del>\$ 300.00 to \$1,000.00</del>	<del>\$14.50</del>
<del>\$1,001.00 to \$1,500.00</del>	<del>\$16.50</del>
<del>\$1,501.00 to \$2,500.00</del>	<del>\$18.50</del>
<u>\$2,500.00 to \$3,500.00</u>	<u>\$22.50</u>

In excess of ~~\$2,500.00~~ \$3,500.00, the fee is ~~\$18.50~~ \$22.50 plus an additional \$4.00 for each \$1,000.00 cost or fraction thereof in excess of ~~\$2,500.00~~ \$3,500.00 up to \$30,000.00.

In excess of \$30,000.00, the fee is \$130.00 plus an additional \$5.00 for each

\$1,000.00 cost or fraction thereof.

The question being on the passage of the Bill a roll call was taken and there were; yeas-28, absent - 0, 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, Weintraub, White, Mayor Jones.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7324, passed.

### **REPORTS OF OFFICERS**

1. Report of the City of Charleston, Municipal Court Financial Statements; March 2008. Received and Filed.

2. Report of the City of Charleston Payroll Variance Analysis; March 2008; Received and Filed.

### **NEW BILLS**

Introduced by Council member Bobby Reishman on April 7, 2008:

Bill No. 7325: A Bill and Order relating to the laying of levies on real, personal and public utility property within the City of Charleston, West Virginia, including excess levies previously provided for in the Official Municipal Budget Document for the fiscal year beginning the first day of July, two thousand eight.

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, Weintraub, White, Mayor Jones.

At 7:35 p.m., by a motion from Councilmember Harrison, Council adjourned until Monday, April 21, 2008, at 7:00 p.m.

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Danny Jones, Honorable Mayor

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James M. Reishman, City Clerk