

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

**May 19, 2008**

**THE COUNCIL MET IN CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE SECOND MEETING IN THE MONTH OF MAY ON THE 19<sup>th</sup> 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 TALKINGTON.**

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

**EALY  
HARRIS  
JONES  
  
PAYNE  
RUSSELL  
SMITH**

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

**TWENTY- FOUR 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**

1. A claim of Carol White, 624 Garrison Avenue, Charleston, WV; alleges damage to vehicle.

Refer to City Solicitor

2. A claim of Nicholas Smith, 413 Rock Holly Road, Charleston, WV; alleges damage to vehicle.

Refer to City Solicitor

3. A claim of Tim Jenkins, 2606 Woodland Avenue, Dunbar, WV; alleges damage to vehicle.

Refer to City Solicitor

4. A claim of Hayley Raith, 304 Glenville Lane, Charleston, WV; alleges personal injury.

Refer to City Solicitor

### **COMMUNICATIONS**

The Clerk read the Communication:

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

Dear Mayor Jones and Councilmember's:

On May 7, 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.

Street naming Request – Dalton Way

Application of Wendy Moyers requesting a private street located in Suncrest Subdivision be named Dalton Way in compliance with the 911 Statewide Addressing requirements.

Bill #7326 – Right-of-way closure

Petition of Davis Alvis of Red Tape Processing Company on behalf of Byron C. Calhoun, requesting to close, abandon and discontinue as a public right-of-way a 3,751 square foot parcel of land adjacent to 1570 Summit Drive (WC Tax 2, Parcel 77) in Charleston, West Virginia. This case should also be referred to the Finance Committee of Council.

Bill #7328 – Subdivision & land Development Ordinance Update  
Comprehensive update to the Subdivision Regulations of the City of Charleston for the purposes of implementing the policies contained in the City of Charleston's Comprehensive Plan adopted in 1996 and to bring the ordinance into compliance with Chapter 8A of the Code of West Virginia.

Sincerely,  
Municipal Planning Commission  
Phyllis White, Administrative Assistant

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

### ***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. 375-08, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 375-08: "Authorizing the Mayor to sign and submit an application to the West Virginia Development Office for FY 2008 Community Participation Program on behalf of West Virginia Symphony Orchestra, Project 08CPGP0081, in the amount of \$10,000."

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

That the Mayor is hereby authorized and directed to sign and submit an application to the West Virginia Development Office for FY 2008 Community Participation Program on behalf of West Virginia Symphony Orchestra, Project 08CPGP0081, in the amount of Ten Thousand Dollars (\$10,000).

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-24, absent - 4, as follows:

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

ABSENT: Clowser, Higgins, Lane, Weintraub

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 375-08, adopted.

2. Your Committee on Finance has had under consideration Resolution No. 376-08, and reports the same to Council with the recommendation that the committee report be

adopted.

Resolution No. 376-08: "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-24, absent - 4, as follows:

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

ABSENT: Clowser, Higgins, Lane, Weintraub

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 376-08, adopted.

3. Your Committee on Finance has had under consideration Resolution No. 377-08, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 377-08: "Authorizing the Mayor to enter into an Agreement with Stealth, LTD, in the total amount of \$441,750, for the Kanawha Boulevard Bridge and Lee Street Bridge Lighting Project. The project is being financed through a contribution from John and Ruth McGhee in the amount of \$414,460, with the remaining \$27,290 being paid from the City's General Maintenance Fund."

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 Stealth, LTD, in the total amount of \$441,750, for the Kanawha Boulevard Bridge and Lee Street Bridge Lighting Project. The project is being financed through a contribution from John and Ruth McGhee in the amount of \$414,460, with the remaining \$27,290 being paid from the City's General Maintenance Fund.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 377-08, adopted

4. Your Committee on Finance has had under consideration Resolution No. 378-08,

and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 378-08: “Authorizing the Mayor to enter into an Agreement with John Sergio Fisher & Associates, in the amount of \$42,300, to Design and Provide Specification Plans and Drawings for a Stage Lighting System for the Municipal Auditorium.”

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 John Sergio Fisher & Associates, in the amount of \$42,300, to Design and Provide Specification Plans and Drawings for a Stage Lighting system for the Municipal Auditorium.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 378-08, adopted

5. Your Committee on Finance has had under consideration a rescinding partial purchase of Dell computers from Cedarpark Computers, approved by City Council on March 17, 2008. Sixty-eight computers and 40 laptop computers were approved for purchase. Cedarpark delivered 70 computers but were unable to deliver the remaining 38 due to internal problems with Dell Marketing. Dell was the second low bidder for this purchase and has agreed to furnish the 38 computers at the same price quoted by Cedarpark. Therefore, the City is requesting approval to purchase the 38 computers from Dell Marketing in the amount of \$52,250. To be charged to Account No. 001-975-00-439-4-459, IS Dept., Capital Outlay, Equip, 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.

6. Your Committee on Finance has had under consideration a purchase of Bituminous Concrete (asphalt) on an as needed basis from West Virginia Paving at \$58.50 per ton for Wearing Course Material Type 1; and \$54.50 per ton for Patching and Leveling Material Type 1. To be charged to Account No. 001-750-00-000-3-341, Street—Materials & Supplies, 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.

7. Your Committee on Finance has had under consideration a bid submitted by Arrow Concrete for purchase of Portland Cement Concrete to be used by the Street Department on an as needed basis at prices listed on the attached tabulation sheet. To be charged to Account No. 001-750-00-000-3-341, Street—Materials & Supplies, 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.

8. Your Committee on Finance has had under consideration a proposal submitted by Physio-Control, Inc., in the amount of \$19,455.31, for purchase of one Lifepak-12 Defibrillator/Heart Monitor to be used by the Charleston Fire Department Emergency Medical Services Unit. To be charged to Account No. 001-976-00-706-4-459, Fire—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 proposal submitted by Medtronic Emergency Response Systems, in the amount of \$10,260, to upgrade three (3) Lifepak-12 Defibrillator/Heart Monitors with a new technology called Capnography which provides an immediate picture of the patient's condition in relation to their breathing. The monitors are used by the Emergency Medical Services Unit of the Charleston Fire Department. To be charged to Account No. 001-976-00-706-4-459, Fire—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.

10. Your Committee on Finance has had under consideration a bid submitted by Red Hot Fire Equipment, in the amount of \$27,750, for purchase of Hydraulic Rescue Tools to be used by the Charleston Fire Department. To be charged to Account No. 001-976-00-706-4-459, Fire—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; April 2008. Received and Filed.

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

3. City Treasurer's Report to City Council Month Ending April 2008.  
Received and Filed.

4. Report of the City of Charleston Financial Statements for the  
Ten- Month Period Ended April 30, 2008.  
Received and Filed.

### **NEW BILLS**

Introduced by Council member Teresa Reed on May 19, 2008:

Bill No. 7330 - A Bill approving certain modifications of the Washington Street West Urban Renewal Plan for the City of Charleston, West Virginia with respect to: strengthening neighborhoods through positive action rather than demolition; developing infill housing on vacant lots and rehabilitating existing housing where appropriate; developing recreational amenities for residents of varying age and physical ability; and encompassing recommendations of residents, property owners and business representatives who participated in the public planning process.  
Refer to Urban Renewal Committee.

### **ROLL CALL**

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

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

ABSENT: Clowser, Higgins, Lane, Weintraub

At 7:20 p.m., by a motion from Councilmember Harrison, Council adjourned until Monday, June 2, 2008, at 7:00 p.m.

---

Danny Jones, Honorable Mayor

---

James M. Reishman, City Clerk