

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

May 5, 2008

THE COUNCIL MET IN CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE FIRST MEETING IN THE MONTH OF MAY ON THE 5th 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**

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

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

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

James Straughter

PUBLIC HEARING

After Duly Being Published As Required, I Now Declare The Floor Open For A Public Hearing On Bill No. 7327 - A Bill To Amend And Re-Enact Sections 54-71, 1996, As Amended, And 54-74, 2000, As Amended, Of The City Code Of The City Of Charleston, Relating To Mileage Charges For Ambulance Transports Provided By The Charleston Fire Department Emergency Medical Services Division (The "Cfd").

Is There Anyone From The Public Who Would Like To Speak.
The Mayor Declared The Public Hearing On Bill No. 7327, Closed.

CLAIMS

1. A claim of Eleanor Young, 825 B Glendale Avenue, South Charleston, WV; alleges damage to vehicle.
Refer to City Solicitor
2. A claim of Brandi Falls, Elkview, WV; alleges damage to vehicle.
Refer to City Solicitor

COMMUNICATIONS

The Clerk read the Appointment

TO: JAMES REISHMAN
CITY CLERK

FROM: DANNY JONES
MAYOR

RE: KANAWHA-CHARLESTON BOARD OF HEALTH

DATE: MAY 5, 2008

I recommend that Bobby Reishman, 1409 Somerlayton Drive, Charleston, WV 25314, be appointed to the Kanawha-Charleston Board of Health, with said term to begin July 1, 2008 and expire July 30, 2013. He is replacing Dr. Stephen Artz.

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

Council approved the appointment.

The Clerk read the Appointment

TO: JAMES REISHMAN
CITY CLERK

FROM: DANNY JONES
MAYOR

RE: KANAWHA-CHARLESTON HOUSING AUTHORITY

DATE: MAY 5, 2008

I recommend that Marie Prezioso, 219 Mariel Drive, Charleston, WV 25311, be appointed to the Kanawha-Charleston Housing Authority, with said term to expire December 10, 2010. She is replacing Michael Comer.

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. 365-08, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 365-08: "Authorizing the Mayor to sign Change Order No. 1 with Jimmy Dunn Excavating, Inc., in the amount of \$30,784.94, to add 310 lineal feet of storm sewer piping and two drop inlets west of bridge structure No. 1 to control runoff that currently discharges onto Porter Road. The change order increases the contract price from \$737,257 to \$768,041.94."

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. 1 with

Jimmy Dunn Excavating, Inc., in the amount of \$30,784.94, to add 310 lineal feet of storm sewer piping and two drop inlets west of bridge structure No. 1 to control runoff that currently discharges onto Porter Road. The change order increases the contract price from \$737,257 to \$768,041.94.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 365-08, adopted

2. Your Committee on Finance has had under consideration Resolution No. 366-08, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 366-08: “Authorizing the Mayor to enter into a Grant Contract Agreement with the Division of Criminal Justice Services to receive and administer grant funds up to \$60,862 for the purpose of enhancing and continuing the Kanawha County STOP Team to improve the criminal justice system’s response to violence against women, starting July 1, 2008, and continuing through June 30, 2009.”

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 Grant Contract Agreement with the Division of Criminal Justice Services to receive and administer grant funds up to \$60,862 for the purpose of enhancing and continuing the Kanawha County STOP Team to improve the criminal justice system’s response to violence against women, starting July 1, 2008, and continuing through June 30, 2009.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 366-08, adopted

3. Your Committee on Finance has had under consideration Resolution No. 368-08, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 368-08: “Authorizing the Finance Director to allocate funds in the amount of \$25,200 for acquisition for one (1) HOME project located in Kanawha City.”

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

That the Finance Director is hereby authorized and directed to allocate funds in the amount of \$25,200 for acquisition for one (1) HOME project located in Kanawha City.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-25, absent - 3, as follows:

YEAS: Burton, Clowser, Deitzler, Ealy, Hall, Hanna, Harris, Harrison, Higgins, Jones, Kirk, Knauff, Lane, Lanham, Miller, Payne, Reed, Reishman, Russell, Salisbury, Sheets,

Smith, Talkington, White, Mayor Jones.
ABSENT: Davis, Ware, Weintraub,

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 368-08, adopted.

4. Your Committee on Finance has had under consideration Resolution No. 369-08, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 369-08: "Authorizing the Mayor to sign a contract between the City of Charleston and the West Virginia Development Office for FY 2006 Community Participation Grant #06LEDA0438 on behalf of the West Side Neighborhood Association, in the amount of \$10,000, for continuation of the Florida Street Streetscape Project on Charleston's West Side."

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 between the City of Charleston and the West Virginia Development Office for FY 2006 Community Participation Grant #06LEDA0438 on behalf of the West Side Neighborhood Association, in the amount of \$10,000, for continuation of the Florida Street Streetscape Project on Charleston's West Side.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-25, absent - 3, as follows:

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

ABSENT: Davis, Ware, Weintraub,

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 369-08, adopted.

5. Your Committee on Finance has had under consideration Resolution No. 370-08, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 370-08: "Authorizing the Mayor to sign and submit three applications to the West Virginia Development Office for FY 2008 Community Participation Program on behalf of the West Side Neighborhood Association, in the total amount of \$72,000."

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 three applications to the West Virginia Development Office for FY 2008 Community Participation Program

on behalf of the West Side Neighborhood Association for the following projects:

West Side Neighborhood Association	08LEDA0192	\$49,500
West Side Neighborhood Association	08LEDA0165	\$20,000
West Side Neighborhood Association	08CPGP0085	\$ 2,500

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-25, absent - 3, as follows:

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

ABSENT: Davis, Ware, Weintraub,

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 370-08, adopted.

6. Your Committee on Finance has had under consideration Resolution No. 371-08, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 371-08: "Authorizing the Mayor to sign and submit applications to the Office of Economic Opportunity for the 2008 West Virginia Homeless Shelters Program (WVHSP) to provide maintenance, operating expenses, and essential services for eight agencies; and further authorizing the Mayor to sign all required contracts, documents and agreements with all agencies."

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 applications to the Office of Economic Opportunity for the 2008 West Virginia Homeless Shelters Program (WVHSP) to provide maintenance, operating expenses, and essential services for the following agencies: Covenant House, Daymark, Kanawha Valley Fellowship Home, Rea of Hope, RCCR-Samaritan Inn, Roark Sullivan Lifeway Center, YWCA/Sojourner's, and YWCA/Resolve Family Abuse; and further authorizing the Mayor to sign all required contracts, documents and agreements with all agencies.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-25, absent - 3, as follows:

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

ABSENT: Davis, Ware, Weintraub,

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 371-08, adopted.

7. Your Committee on Finance has had under consideration Resolution No. 372-08,

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

Resolution No. 372-08: "Authorizing the Mayor to sign and submit to the U.S. Department of Housing and Urban Development (HUD) the Annual Action Plan for Program Year 2008-2009 (year 4 of the Consolidated Plan) and all required agreements, including Subrecipient Project contracts relating to the Annual Action Plan."

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 to the U.S. Department of Housing and Urban Development (HUD) the Annual Action Plan for Program Year 2008-2009 (year 4 of the Consolidated Plan) and all required agreements, including Subrecipient Project contracts relating to the Annual Action Plan.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-25, absent - 3, as follows:

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

ABSENT: Davis, Ware, Weintraub,

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 372-08, adopted.

8. Your Committee on Finance has had under consideration Resolution No. 373-08, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 373-08: "Authorizing the Mayor to renew the Irrevocable Letter of Credit from City National Bank in the amount of \$328,000 for bonding of the permitted acreage at the City Landfill; and further authorizing payment of the premium in the amount of \$3,280 for the period July 1, 2008 to June 30, 2009. The premium is due annually with reimbursement to the City by Landfill Services of Charleston, Inc."

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

That the Mayor is hereby authorized and directed to renew the Irrevocable Letter of Credit from City National Bank in the amount of \$328,000 for bonding of the permitted acreage at the City Landfill; and further authorizing payment of the premium in the amount of \$3,280 for the period July 1, 2008 to June 30, 2009. The premium is due annually with reimbursement to the City by landfill Services of Charleston, Inc.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 373-08, adopted

9. Your Committee on Finance has had under consideration a proposal submitted by General Truck Sales Corporation in the total amount of \$102,513 for one Recycling Truck (\$53,915) for the Refuse Collection & Recycling Department; and one Dump Truck (\$48,598) for the Public Grounds Division.

To be charged to the following accounts: \$53,915- Account No. 001-978-00-800-4-459, Refuse & Recycling—Capital Outlay, Equipment. \$48,598-Account No. 001-975-00-567-4-459, Public Grounds—Capital Outlay, Equipment (J.P. 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.

10. Your Committee on Finance has had under consideration a bid submitted by West Virginia Tractor Company, in the amount of \$25,900, for one Wood Chipper to be used by the Street Department. To be charged to Account No. 001-977-00-750-4-459, Street—Capital Outlay, Equip. (J.P. 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.

11. Your Committee on Finance has had under consideration a bid submitted by West Virginia Tractor, in the amount of \$23,000, for purchase of two Salt Spreaders (\$11,500 each) to be used by the Street Department. To be charged to Account No. 001-977-00-750-4-459, Street—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.

12. Your Committee on Finance has had under consideration Bill No. 7327 and reports the same to Council with the recommendation that the bill do pass.

Bill No. 7327 - A Bill to amend and re-enact Sections 54-71, 1996, as amended, and 54-74, 2000, as amended, of the City Code of the City of Charleston, relating to mileage charges for Ambulance transports provided by the Charleston Fire Department Emergency Medical Services Division (the "CFD").

WHEREAS, the Medicare program administered by the federal government sets the amounts which may be billed to and reimbursed by Medicare for "allowable charges" for mileage resulting from ambulance transports; and

WHEREAS, in setting the allowable reimbursement amounts for mileage charges

for the provision of ambulance services, Medicare has taken into account the substantial costs of fuel, fleet maintenance, and other related costs incurred by political subdivisions, such as municipalities, and other entities that provide ambulance transport services; and

WHEREAS, based on its detailed study of incurred costs related to ambulance transports, Medicare has determined that \$6.42 per mile is the reasonable and appropriate (nationwide) reimbursable rate for mileage charges incurred by municipalities when providing ambulance transports; and

WHEREAS, pursuant to City Code §54-74 (enacted December 18, 2000), the CFD currently charges and receives reimbursement for only \$5.00 per mile for ambulance transports, which is well below the allowable and federally reimbursable Medicare rate of \$6.42 per mile; and

WHEREAS, the CFD per mile rate of \$5.00 was set over seven (7) years ago and has not been increased or otherwise modified since that time; and

WHEREAS, since the \$5.00 rate was set over seven (7) years ago, there has been an increase in costs associated with providing ambulance transports, including, but not limited to, a substantial increase in costs of fuel, related supplies, and fleet management; and

WHEREAS, updating the rate for mileage charges related to ambulance transports to match the nationwide rate for allowable and reimbursable mileage charges for ambulance transports set by the federal Medicare program will result in the City receiving full federal reimbursement on covered transports and will assist in offsetting the increase in costs associated with ambulance transports;

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

That the Council for the City of Charleston hereby amends and re-enacts Sections 54-71, 1996, as amended, and 54-74, 2000, as amended, of the City Code of the City of Charleston, relating to mileage charges for Ambulance transports provided by the Charleston Fire Department Emergency Medical Services Division, and all to read as follows:

Sec. 54-71. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Ambulance means any motor vehicle equipped with advanced life support and basic life support equipment capable of transporting a patient in a reclining position.

Ambulance service system means an organized, fully coordinated network of individuals capable of effecting a fully coordinated response to every emergency medical incident,

modified appropriately by the context of the compelling demands upon the system at any point in time. Essential components include but are not limited to:

- (1) CPR training of the general public;
- (2) Single point termination telephone access to the system;
- (3) Fully centralized professional in direct radio contact with each paramedic and ambulance operating in the system;
- (4) Continuing medical education in accordance with state requirements;
- (5) Advanced life support paramedic ambulances;
- (6) Rapid response times to all emergencies; and
- (7) Routine physician supervision in the treatment of patients.

ALS means advanced life support administered by a paramedic.

BLS means basic life support administered by an EMT or paramedic.

Emergency medical technician-basic means one who has successfully completed the course for certification as an emergency medical technician-basic as established by the commissioner or authorities recognized and approved by the commissioner.

Emergency medical technician-paramedic means one who has successfully completed the course for certification as an emergency medical technician-paramedic established by the commissioner or authorities recognized and approved by the commissioner.

EMS means emergency medical services.

Medical director means a licensed physician appointed by the mayor, with the consent of the city council, who generally is charged with the responsibility of overseeing the ambulance system from a medical perspective.

(Ord. No. 6228, § 12-34, 5-6-1996, {month, day, }2008)

Sec. 54-74 Schedule of charges for ambulance services.

(a) In conformity with section 54-43(6) authorizing the Chief of the Fire Department of the City of Charleston to carry out the purposes of this article, including, but not limited to billing, the following charges for ambulance related services are hereby adopted:

ALS loading fee . . .	\$500.00
BLS loading fee . . .	275.00
Oxygen charge . . .	25.00
ALS mileage fee . . .	6.42 per mile

BLS mileage fee . . . 6.42 per mile

(b) The city council shall have the right to revise from time to time the schedule of rate and charges enacted herein.

(c) Such schedule of charges shall be effective upon final passage of this section and shall be assessed by and payable to the city collector who is hereby authorized and adopt such rules and regulations as may be necessary for him to accomplish the purposes hereof, including but not limited to the right to contract with outside collection services to effect the purposes hereof as he may deem appropriate.

(Ord. No. 6228, § 12-37, 5-6-1996; Bill No. 6754, § 12-37, 12-18-2000, {month, day, }2008)

The question being on the passage of the Bill a roll call was taken and there were; yeas- 25, absent - 3, as follows:

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

ABSENT: Davis, Ware, Weintraub,

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7327, passed.

NEW BILLS

Introduced by Council member William Kirk on May 5, 2008:

Bill No. 7326 - A Bill closing, abandoning and discontinuing as a public right of way a portion of the street known as Summit Drive, in the City of Charleston, West Virginia, and reserving a sewer easement for the City of Charleston.

Refer to Municipal Planning Commission, Planning Committee and Finance Committee

Introduced by Council member Mary Jean Davis on May 5, 2008:

Bill No. 7328 - A Bill amending and reenacting Chapter 106, of the Charleston City Code for the purpose of replacing the referenced ordinance titled "Subdivision Regulations of the City of Charleston, West Virginia, as amended" with a new ordinance titled "Subdivision Ordinance of the City of Charleston, West Virginia, July 1, 2008", said document shall be kept on file in the Charleston Planning Department and City Clerk's Office.

Refer to Municipal Planning Commission

ROLL CALL

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

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

ABSENT: Davis, Ware, Weintraub

At 7:45 p.m., by a motion from Councilmember Harrison, Council adjourned until Monday, May 19, 2008, at 7:00 p.m.

Danny Jones, Honorable Mayor

James M. Reishman, City Clerk