**JOURNAL**

**OF THE**

**COUNCIL**

**CITY OF CHARLESTON**

**WEST VIRGINIA**

**February 21, 2012**

**THE COUNCIL MET IN CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE SECOND MEETING IN THE MONTH OF FEBRUARY ON THE 21st DAY, IN THE YEAR 2012, 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 GWHS JROTC.**

**BURKA BURTON CLOWSER DAVIS DENEAULT DODRILL**

**EALY HAAS HARRISON**

**LANE MILLER**

**NICHOLS PERSINGER**

**RICHARDSON**

**SALISBURY SHEETS SMITH**

**SNODGRASS STAJDUHAR TALKINGTON**

**WARE WEINTRAUB WHITE**

**MAYOR JONES**

**WITH 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 Jeffery Roberts, Charleston, WV; alleges damage to vehicle.

Refer to City Solicitor

***MISCELLANEOUS RESOLUTION***

Resolution No. 090-12

Introduced in Council

February 21, 2012

Introduced By:

John Miller, Tom Lane, Jack Harrison, Bobby Reishman, Mary Jean Davis, Brent Burton, Courtney Persinger and Sam Minardi

WHEREAS: The Cadet Corps of the JROTC program at George Washington High School was launched through the efforts of former principal Melissa Ruddle and is led by Colonel Monty Warner of Charleston and Sergeant Major Marty Kirby of Milton; and

WHEREAS: Known as The Patriot Battalion, the JROTC Cadet Corps has expanded to more than 100 cadets in a very short period of time and grown in such stature and reputation that 40 future cadets are enrolled at John Adams Middle School, working toward the chance to join the program; and

WHEREAS: Cadet Colonels Matt Smoot and David Osborne along with Cadet Command Sergeants Major Mara Tyler and Tanner Faw have commanded the battalion for the past two academic years as student leaders of the program; and

WHEREAS: Members of The Patriot Battalion are learning about citizenship, leadership, community involvement, all levels of government, American history, personal discipline, civic responsibility and the role of the military in the life of our nation; and

WHEREAS: The Patriot Battalion supports George Washington High School and community by helping to oversee, secure and clean up at athletic events, award assemblies and other school events as well as through its members’ significant volunteer services with local charitable organizations; and

WHEREAS: Members of this Cadet Corps have participated in regional competitions, visited historic battlefield sites and learned about government through educational trips to our nation’s capital, the State Capitol and now City Hall in Charleston.

Therefore be it resolved by The Council and Mayor of The City of Charleston, West Virginia:

That the elected leadership of the City of Charleston recognizes the efforts of the leaders and cadets of George Washington High School’s JROTC program – The Patriot Battalion – and the many ways this growing program is educating, training and producing many emerging leaders of our city, state and nation.

*With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the resolution 090-12, adopted.*

***APPOINTMENTS***

TO: JAMES REISHMAN

CITY CLERK

FROM: DANNY JONES

MAYOR

RE: CHARLESTON CONVENTION AND VISITORS BUREAU BOARD

DATE: FEBRUARY 21, 2012

I recommend that Lisa McCracken, Charleston Town Center Mall, Charleston Town Center, Charleston, WV 25389, be reappointed to the Charleston Convention and Visitors Bureau Board, with a said term to expire February 17, 2015.

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

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the appointment confirmed.

TO: JAMES REISHMAN

CITY CLERK

FROM: DANNY JONES

MAYOR

RE: CHARLESTON CONVENTION AND VISITORS BUREAU BOARD

DATE: FEBRUARY 21, 2012

I recommend that Jim Buckalew, 2111 Kanawha Avenue, Charleston, WV 25304, be appointed to the Charleston Convention and Visitors Bureau Board, with a said term to expire February 17, 2015.

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

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the appointment confirmed.

TO: JAMES REISHMAN

CITY CLERK

FROM: DANNY JONES

MAYOR

RE: CHARLESTON-KANAWHA HOUSING AUTHORITY

DATE: FEBRUARY 21, 2012

I recommend that Allan McVey, P.O. Box 6278, Charleston, WV 25362, be reappointed to the Charleston-Kanawha Housing Authority, with a said term to expire December 1, 2016. He has been nominated by the Kanawha County Commission to represent residents of Kanawha County in conjunction provisions with the agency merger agreement.

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

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the appointment confirmed.

TO: JAMES REISHMAN

CITY CLERK

FROM: DANNY JONES

MAYOR

RE: ARCHITECTURAL REVIEW COMMITTEE

DATE: FEBRUARY 21, 2012

I recommend that Richard Blankinship, 819 Lee Street, Charleston, WV 25301, be reappointed to the Architectural Review Committee, with a said term to expire January 21, 2015.

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

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the appointment confirmed.

TO: JAMES REISHMAN

CITY CLERK

FROM: DANNY JONES

MAYOR

RE: CHARLESTON CONVENTION & VISITORS BUREAU

DATE: FEBRUARY 21, 2012

I recommend that Georgette George, 400 2nd Avenue, South Charleston, WV 25303, be reappointed to the Charleston Convention & Visitors Bureau, with a said term to expire February 17, 2015.

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

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the appointment confirmed.

TO: JAMES REISHMAN

CITY CLERK

FROM: DANNY JONES

MAYOR

RE: CHARLESTON URBAN RENEWAL AUTHORITY

DATE: FEBRUARY 21, 2012

I recommend that Diane Strong-Treister, 503 Pennsylvania Avenue, Charleston, WV 25302, be reappointed to the Charleston Urban Renewal Authority, with a said term to expire March 3, 2017.

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

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the appointment confirmed.

TO: JAMES REISHMAN

CITY CLERK

FROM: DANNY JONES

MAYOR

RE: CHARLESTON URBAN RENEWAL AUTHORITY

DATE: FEBRUARY 21, 2012

I recommend that Jack Cavender, 10 Hale Street, Suite 100, Charleston, WV 25301, be reappointed to the Charleston Urban Renewal Authority, with a said term to expire March 3, 2017.

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

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the appointment confirmed.

TO: JAMES REISHMAN

CITY CLERK

FROM: DANNY JONES

MAYOR

RE: CHARLESTON URBAN RENEWAL AUTHORITY

DATE: FEBRUARY 21, 2012

I recommend that Charles R. “Rusty” Webb, 4605 Kanawha Avenue, Charleston, WV 25304, be reappointed to the Charleston Urban Renewal Authority, with a said term to expire March 3, 2017.

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

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the appointment confirmed.

***FINANCE***

Councillperson Jack Harrison, Vice Chair Chairperson of the Council Committee on Finance, submitted the following reports.

1. Your Committee on Finance has had under consideration Resolution No 085-12, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 085-12 : “Authorizing the Mayor to sign Change Order No. 1 with Michael Baker, Jr., Inc., in an amount not to exceed $20,000, for additional surveying to capture storm sewer and other discharge outfalls along the stream channels relating to the Long Term Storm Water Comprehensive Plan (LTSWCP) project. Approximately 1000 additional survey points are to be collected and attributed as part of the original scope of tasks that were to be undertaken in Phases I, II, IV and VII of the LTSWCP project. The change order increases the contract price from $265,000 to $285,000.”

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 Michael Baker, Jr., Inc., in an amount not to exceed $20,000, for additional surveying to capture storm sewer and other discharge outfalls along the stream channels relating to the Long Term Storm Water Comprehensive Plan (LTSWCP) project. Approximately 1000 additional survey points are to be collected and attributed as part of the original scope of tasks that were to be undertaken in Phases I, II, IV and VII of the LTSWCP project. The change order increases the contract price from $265,000 to $285,000.

*With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the resolution 085-12, adopted.*

2. Your Committee on Finance has had under consideration Resolution No 086-12, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 086-12 : “Authorizing the Mayor to sign Modification “A” to the Agreement with Michael Baker, Jr., Inc., for Engineering Services for the Long Term Storm Water Comprehensive Plan (LTSWCP) project, in an amount not to exceed $30,600, as part of Phases III and IV(a) of the project providing for delineation of watersheds by identifying natural drainage breaks and identifying and naming all streams, and assigning new FACILITYID attributes to all inlets, manholes, and outfalls captured during Phase IV of the LTSWCP project. The Modification “A” agreement is subject to final review and approval by legal counsel for the City.”

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

That the Mayor is hereby authorized and directed to sign Modification “A” to the Agreement with Michael Baker, Jr., Inc., for Engineering Services for the Long Term Storm Water Comprehensive Plan (LTSWCP) project, in an amount not to exceed $30,600, as part of Phases III and IV(a) of the project providing for delineation of watersheds by identifying natural drainage breaks and identifying and naming all streams, and assigning new FACILITYID attributes to all inlets, manholes, and outfalls captured during Phase IV of the LTSWCP project. The Modification “A” agreement is subject to final review and approval by legal counsel for the City

*With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the resolution 086-12, adopted.*

3. Your Committee on Finance has had under consideration Resolution No 087-12, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 087-12 : “Authorizing the Finance Director to amend the 2011-2012 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 2011-2012 General Fund 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 –24, absent - 4, as follows:*

*YEAS: Burka, Burton,Clowser, Davis, Deneault, Dodrill, Ealy, Haas, Harrison, Lane, Miller, Nichols, Persinger, Richardson, Salisbury, Sheets, Smith, Snodgrass,Stajduhar, Talkington, Ware, Weintraub,White, Mayor Jones.*

*ABSENT: Kirk, Minardi, Reishman, Russell*

*With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 087-12 adopted.*

4. Your Committee on Finance has had under consideration Resolution No 088-12, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 088-12 : “Authorizing an application to be submitted to the Federal Emergency Management Agency (FEMA) applying for a *Safer Grant* to provide funds for the hiring of firefighters.”

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

That an application to be submitted to the Federal Emergency Management Agency (FEMA) applying for a *Safer Grant* to provide funds for the hiring of firefighters is hereby approved.

*With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the resolution 088-12, adopted.*

5. Your Committee on Finance has had under consideration Resolution No 089-12, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 089-12 : “Authorizing the Mayor to sign and submit Community Participation Program grant information sheets and all related documents for one agency.”

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 Community Participation Program grant information sheets and all related documents for the following agency:

Kanawha City Community Association 10LEDA0596 $35,000

*The question being on the adoption of the Resolution. A roll call was taken and there were; yeas –23, absent - 4,abstain- 1, as follows:*

*YEAS: Burton,Clowser, Davis, Deneault, Dodrill, Ealy, Haas, Harrison, Lane, Miller, Nichols, Persinger, Richardson, Salisbury, Sheets, Smith, Snodgrass,Stajduhar, Talkington, Ware, Weintraub,White, Mayor Jones.*

*ABSENT: Kirk, Minardi, Reishman, Russell*

*ABSTAIN: Burka*

*With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 089-12, adopted.*

6. Your Committee on Finance has had under consideration a bid submitted by Dell Marketing, L.P., in the total amount of $44,397.01, for purchase of storage area network (SAN) units, one Dell EqualLogic PS4100X unit ($25,797.50) and one Dell EqualLogic PS4100E unit ($18,599.51), to be used by the Information Systems Department. To be charged to Account No. 001-975-00-439-4-459, I.S. Dept.—Capital Outlay, Equip. *, a*nd 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 proposal submitted by Champion Industries, Inc., in the amount of $11,750, for purchase of modifications, as reflected in the Minutes, to the City’s Revenue Tracking System (RTS) currently in production. To be charged to Account No. 001-975-00-439-4-459, I.S. Dept—Capital Outlay, Equip. *, a*nd 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 bid submitted by Krigger & Company, Inc., in the amount of $24,441, for purchase of a Jacobsen Greens Mower to be used by the Parks and Recreation Department. To be charged to Account No. 001-979-00-900-4-459, P&R—Capital Outlay, Equipment (Mears Motor Leasing, Lease Purchase Escrow Account No. 131029538, Schedule A2) *, a*nd 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 January 2012.

Received and Filed.

2. Report of the City of Charleston Financial Statements for the Seven-Month period ended January 31, 2012.

Received and Filed.

**NEW BILLS**

Introduced by Council member Robert Sheets and Bob White on February 21, 2012:

Bill No. 7512 - A Bill to amend and reenact Ordinance number 7206 passed by Council June 19th, 2006 relating to an On Duty Magistrate Only Parking zone on the east side of Goshorn Street from a point 92’ north of Virginia Street to a point 114’ north of Virginia Street, and amending the Traffic Control Map and Traffic Control File, established by the Code of the City of Charleston, West Virginia, two thousand three, as amended, Traffic Law, Section 263,Division 2, Article 4, Chapter 114, to conform therewith.

Refer to Streets and Traffic Committee.

**ROLL CALL**

*YEAS: Burka, Burton,Clowser, Davis, Deneault, Dodrill, Ealy, Haas, Harrison, Lane, Miller, Nichols, Persinger, Richardson, Salisbury, Sheets, Smith, Snodgrass,Stajduhar, Talkington, Ware, Weintraub,White, Mayor Jones.*

*ABSENT: Kirk, Minardi, Reishman, Russell*

At 7:35 p.m., by a motion from Councilmember Harrison, Council adjourned until Monday, March 5, 2012, at 7:00 p.m.

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Danny Jones, Honorable Mayor

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James M. Reishman, City Clerk