

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

October 18, 2010

THE COUNCIL MET IN CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE SECOND MEETING IN THE MONTH OF OCTOBER ON THE 18th DAY, IN THE YEAR 2010, 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 DAVIS.

**BURKA
DEITZLER**

**HARRISON
KIRK
MILLER
REISHMAN**

**SHEETS
WARE
MAYOR JONES**

**CLOWSER
DENEALT**

**HANNA
HIGGINS
KNAUFF
PAYNE
RUSSELL**

DAVIS

**HARRIS
JONES
LANE
REED
SALISBURY
TALKINGTON
WHITE**

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 Wendy Spencer, 499 Falcon Dr., Charleston, WV; alleges damage to personal property.

Refer to City Solicitor

2. A claim of Nona Ringler, 1697 Cliffview Ave. , Charleston, WV; alleges personal injury.

Refer to City Solicitor

COMMUNICATIONS

The Clerk read the Proclamations

EXECUTIVE DEPARTMENT
CITY OF CHARLESTON
PROCLAMATION
By the Mayor

WHEREAS: Change is constant and affects all cities, towns, suburbs, counties, boroughs, townships, rural areas, and other places; and

WHEREAS: Community planning and land use plans can help manage this change in a way that provides better choices for how people work and live; and

WHEREAS: The City of Charleston is committed to smart growth initiatives that advance walkability, recreation, and the sustainability of our city; and

WHEREAS: Smart growth is an urban planning and transportation movement that concentrates growth in the center of a city to avoid urban sprawl and advocates compact, transit-oriented, walkable, bicycle-friendly land use; and

WHEREAS: Community planning provides an opportunity for all residents to be meaningfully involved in making choices that determine the future of their community; and

WHEREAS: Realizing the full benefits of planning require public officials and citizens who understand, support, and demand excellence in planning and plan implementation; and

WHEREAS: The month of October is designated as National Community Planning Month throughout the United States of America and its territories; and

WHEREAS: The American Planning Association and its professional institute, the American Institute of Certified Planners, endorse National Community Planning Month as an opportunity to highlight the contributions sound planning and plan implementation make to the quality of our settlements and environment; and

WHEREAS: The celebration of National Community Planning Month gives us the opportunity to publicly recognize the participation and dedication of the individual volunteers and corporate citizens who have contributed their time and expertise to the improvement of the City of Charleston; and

WHEREAS: We recognize the many valuable contributions made by professional community and regional planners of the City of Charleston and extend our heartfelt thanks for the continued commitment to public service by these professionals;

NOW, THEREFORE BE IT RESOLVED, that the City Council of Charleston does hereby declare and proclaim that the Month of October, 2010 be declared as

COMMUNITY PLANNING MONTH
in the City of Charleston, West Virginia, in conjunction with the celebration of National Community Planning Month.

DANNY JONES, MAYOR

TOM LANE, PRESIDENT OF
COUNCIL

EXECUTIVE DEPARTMENT
CITY OF CHARLESTON
PROCLAMATION
By the Mayor

WHEREAS: The Mayor and City Council have proclaimed October as Community Planning Month in part to honor the valuable efforts of our corporate, institutional, nonprofit and private citizens who have invested their resources into the improvement and sustainability of the City of Charleston; and

WHEREAS: Smart growth is an urban planning and transportation movement that concentrates growth in the center of a city to avoid urban sprawl and advocates compact, transit-oriented, pedestrian- and bicycle-friendly land use; and

WHEREAS: The goals of community planning and smart growth are to achieve a unique sense of community and place; expand the range of transportation, employment, and housing choices; preserve and enhance natural and cultural resources; and promote public health; and

WHEREAS: Jeff Miller devoted countless hours in service to the community, developing the Kanawha Valley Sustainability Fair, organizing the Hale Street Antiques Fair, participating in efforts to revitalize downtown Charleston and the City's urban neighborhoods. His background in historic preservation served the City of Charleston as Jeff advocated for adaptive reuse of our landmark buildings and cultural resources.

Now Therefore, I, Danny Jones, Mayor of the City of Charleston, do hereby recognize that

Jeff Miller

recipient of the 2010 Citizen Planner Award, was a valuable asset to the community and urge all citizens to remember Jeff Miller for investing his time and talent in the future of the City of Charleston.

IN WITNESS WHEREOF, I have set my hand and caused the Seal of the Executive Department to be affixed this 18th day of October 2010.

DANNY JONES, MAYOR

EXECUTIVE DEPARTMENT
CITY OF CHARLESTON
PROCLAMATION
By the Mayor

WHEREAS: The Mayor and City Council have proclaimed October as Community Planning Month in part to honor the valuable efforts of our corporate, institutional, nonprofit and private citizens who have invested their resources into the improvement and sustainability of the City of Charleston; and

WHEREAS: Smart growth is an urban planning and transportation movement that concentrates growth in the center of a city to avoid urban sprawl and advocates compact, transit-oriented, pedestrian- and bicycle-friendly land use; and

WHEREAS: The goals of community planning and smart growth are to achieve a unique sense of community and place; expand the range of transportation, employment, and housing choices; preserve and enhance natural and cultural resources; and promote public health; and

WHEREAS: Keeley and Jon Steele are leading the revitalization of the Washington Street East commercial corridor with the rehabilitation and reuse of vacant structures for their two restaurants, Bluegrass Kitchen and Tricky Fish. These successes prepared the way for further investment in the neighborhood in the form of an organic bakery called Frutcake. As entrepreneurs and active volunteers with East End Main Street, Keeley and Jon Steele are initiators of positive change in both the East End and the City of Charleston.

Now Therefore, I, Danny Jones, Mayor of the City of Charleston, do hereby recognize that

Keeley and Jon Steele

recipients of the Pioneers in Revitalization Award, are a valuable asset to the community and urge all citizens to commend the Steeles for investing in the future of the City of Charleston.

IN WITNESS WHEREOF, I have set my hand and caused the Seal of the Executive Department to be affixed this 18th day of October 2010.

DANNY JONES, MAYOR

EXECUTIVE DEPARTMENT
CITY OF CHARLESTON
PROCLAMATION
By the Mayor

WHEREAS: The Mayor and City Council have proclaimed October as Community Planning Month in part to honor the valuable efforts of our corporate, institutional, nonprofit and private citizens who have invested their resources into the improvement and sustainability of the City of Charleston; and

WHEREAS: Smart growth is an urban planning and transportation movement that concentrates growth in the center of a city to avoid urban sprawl and advocates compact, transit-oriented, pedestrian- and bicycle-friendly land use; and

WHEREAS: The goals of community planning and smart growth are to achieve a unique sense of community and place; expand the range of transportation, employment, and housing choices; preserve and enhance natural and cultural resources; and promote public health; and

WHEREAS: Tom and Alice Burgess, owners of Charleston Chariots, have developed a small business that compliments the City of Charleston's special events and unique features. Offering both an alternative means of transportation and a new view of the City, the pedicab business is a welcome sight on our City streets.

Now Therefore, I, Danny Jones, Mayor of the City of Charleston, do hereby recognize that

Tom & Alice Burgess

recipients of the 2010 Innovation in Small Business Award, are a valuable asset to the community and urge all citizens to commend the Burgesses for investing in the future of the City of Charleston.

IN WITNESS WHEREOF, I have set my hand and caused the Seal of the Executive Department to be affixed this 18th day of October 2010.

DANNY JONES, MAYOR

EXECUTIVE DEPARTMENT
CITY OF CHARLESTON
PROCLAMATION
By the Mayor

WHEREAS: The Mayor and City Council have proclaimed October as Community Planning Month in part to honor the valuable efforts of our corporate, institutional, nonprofit and private citizens who have invested their resources into the improvement and sustainability of the City of Charleston; and

WHEREAS: Smart growth is an urban planning and transportation movement that concentrates growth in the center of a city to avoid urban sprawl and advocates compact, transit-oriented, pedestrian- and bicycle-friendly land use; and

WHEREAS: The goals of community planning and smart growth are to achieve a unique sense of community and place; expand the range of transportation, employment, and housing choices; preserve and enhance natural and cultural resources; and promote public health; and

WHEREAS: Contemporary Galleries encourages employees at all levels to contribute their time and talents to local organizations working to improve the landscape of the City of Charleston. Contemporary Galleries has shown great leadership in planning and sustainability with countless hours devoted to volunteerism with the East End Main Street program and its approach to economic development through historic preservation.

Now Therefore, I, Danny Jones, Mayor of the City of Charleston, do hereby recognize that

Contemporary Galleries

recipients of the Corporate Planner Award, are a valuable asset to the community and urge all citizens to commend Contemporary Galleries for investing in the future of the City of Charleston.

IN WITNESS WHEREOF, I have set my hand and caused the Seal of the Executive Department to be affixed this 18th day of October 2010.

DANNY JONES, MAYOR

EXECUTIVE DEPARTMENT
CITY OF CHARLESTON
PROCLAMATION
By the Mayor

WHEREAS: The Mayor and City Council have proclaimed October as Community Planning Month in part to honor the valuable efforts of our corporate, institutional, nonprofit and private citizens who have invested their resources into the improvement and sustainability of the City of Charleston; and

WHEREAS: Smart growth is an urban planning and transportation movement that concentrates growth in the center of a city to avoid urban sprawl and advocates compact, transit-oriented, pedestrian- and bicycle-friendly land use; and

WHEREAS: The goals of community planning and smart growth are to achieve a unique sense of community and place; expand the range of transportation, employment, and housing choices; preserve and enhance natural and cultural resources; and promote public health; and

WHEREAS: The Bob Burdette Center and their partners— Emmanuel Baptist Church, WV State University Extension, and the West Charleston Kiwanis Club jointly established a new West Side Community Garden. The garden serves as a tool to teach children new skills and responsibilities and provides a harvest of produce which is used to supplement the children's home pantries or sold so that the children can learn about the value of their labors.

Now Therefore, I, Danny Jones, Mayor of the City of Charleston, do hereby recognize that

Bob Burdette Center Community Garden

recipient of the 2010 Leadership in Sustainability Award, is a valuable asset to the community and urge all citizens to commend the Bob Burdette Center for investing in the future of the City of Charleston.

IN WITNESS WHEREOF, I have set my hand and caused the Seal of the Executive Department to be affixed this 18th day of October 2010.

DANNY JONES, MAYOR

The Clerk read the Planning Communication:

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

Dear Mayor Jones and Councilmember's:

On October 6, 2010, the Municipal Planning Commission held public hearings and its regular monthly meeting. The following case was heard:

Bill #7436

Petition of J. L. Smith, President of the Dougherty Company, Inc. to rezone property located along 50th Street, S. E., known as Parcels 122 and 123, KC 11, from R-6 Medium Density Residential to C-10 General Commercial zoning in order to develop a one story warehouse.

Bill #7437

Petition of Jackson Kelly, Attorneys at Law on behalf of the West Virginia Water Development Authority to rezone property located at 1009 Bullitt Street, also known as East Charleston Tax Map 6, Parcel 4, from I-4 Heavy Industrial use to C-10 General Commercial use in order to develop a one-story office building.

These cases should be referred to the Council Committee on Planning.

*Sincerely,
Municipal Planning Commission*

Phyllis White, Administrative Assistant

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

ENVIRONMENT AND RECYCLING

Councilman Ed Talkington, Chairman of the Council Committee on Environment and Recycling, submitted the following reports.

1. Your Committee on Environment and Recycling has had under consideration Resolution No 855-10, and reports the same to Council with the recommendation that the committee report be adopted.

Introduced by:

Mike Clowser, Cheryle Hall, William Kirk, Lewis Payne, Kasey Russell, Robert Sheets, & Edward Talkington

Resolution No. 855-10 : “Supporting the efforts of a multijurisdictional recycling work group in evaluating the future of recycling in the Kanawha Valley, including the need for a regional recycling center to increase participation in recycling programs and to replace outdated and inefficient infrastructure; and supporting the group’s efforts to secure funding for the study

and development of a new regional recycling center that will meet the future recycling needs of regional municipalities and counties.

WHEREAS, the City of Charleston is required by law to recycle; and

WHEREAS, the citizens of Charleston expect a comprehensive recycling program; and

WHEREAS, the Kanawha County Solid Waste Authority's Slack Street facility has reached the end of its productivity and cannot meet the region's recycling needs; and

WHEREAS, a multijurisdictional working group was formed last year to apply for a planning grant that will finance the group's evaluation of the region's future recycling needs, including where a new facility and satellite facilities should be located, a transportation plan, what materials should be accepted, capacity and design of new facilities, and other related details leading to a comprehensive regional recycling plan; and

WHEREAS, the City of Charleston supports the efforts of the multijurisdictional recycling working group and Regional Development Authority in seeking Appalachian Regional Commission funds for a planning grant;

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

That the Council of the City of Charleston supports the efforts of a multijurisdictional recycling work group in evaluating the future of recycling in the Kanawha Valley, including the need for a regional recycling center to increase participation in recycling programs and to replace outdated and inefficient infrastructure; and supports the group's efforts to secure funding for the study and development of a new regional recycling center that will meet the future recycling needs of regional municipalities and counties.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 855-10, adopted.

FINANCE

Councilman Robert Reishman, Chairman of the Council Committee on Finance, submitted the following reports.

1. Your Committee on Finance has had under consideration Resolution No 856-10, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 856-10: "Authorizing the Mayor to sign and submit Community Participation Program grant contract and all related documents on behalf of the Charleston Black Ministerial Alliance, Inc., Project No. 09LEDA0247, in the amount of \$2,000."

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 Community Participation Program grant contract and all related documents on behalf of the Charleston Black Ministerial Alliance, Inc., Project No. 09LEDA0247, in the amount of \$2,000.

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

YEAS: Burka, Clowser, Davis, Deitzler, Deneault, Hanna, Harrison, Harris, Higgins, Jones, Kirk, Knauff, Lane, Miller, Payne, Reed, Reishman, Russell, Salisbury Sheets, Talkington, Ware, White, Mayor Jones.

ABSENT: Ealy, Hall, Smith, Weintraub

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution 856-10, adopted.

2. Your Committee on Finance has had under consideration Resolution No 857-10, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 857-10: “Authorizing the Mayor to enter into an Agreement with VT Hackney, in the amount of \$249,789, for purchase of one (1) International Rescue Vehicle to be used by the Charleston Fire Department.”

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 VT Hackney, in the amount of \$249,789, for purchase of one (1) International Rescue Vehicle to be used by the Charleston Fire Department.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 857-10, adopted.

3. Your Committee on Finance has had under consideration Resolution No 858-10, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 858-10: “Authorizing the Mayor to receive and administer funds from the West Virginia Commission on Drunk Driving Prevention in the amount of \$15,000 to provide for DUI enforcement patrols and checkpoints.”

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 funds from the West Virginia Commission on Drunk Driving Prevention in the amount of \$15,000 to provide for DUI enforcement patrols and checkpoints.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 858-10, adopted.

REPORTS OF OFFICERS

1. Report of the City of Charleston, Municipal Court Financial Statements; September 2010.

Received and Filed.

2. City Treasurer's Report to City Council Month Ending September 2010.

Received and Filed.

ROLL CALL

YEAS: Burka, Clowser, Davis, Deitzler, Deneault, Hanna, Harrison, Harris, Higgins, Jones, Kirk, Knauff, Lane, Miller, Payne, Reed, Reishman, Russell, Salisbury Sheets, Talkington, Ware, White, Mayor Jones.

ABSENT: Ealy, Hall, Smith, Weintraub

At 7:30 p.m., by a motion from Councilmember Harrison, Council adjourned until Monday, November 1, 2010, at 7:00 p.m.

Danny Jones, Honorable Mayor

James M. Reishman, City Clerk