

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

FEBRUARY 16, 2010

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 16th DAY, IN THE YEAR 2010, 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 JONES.

**BURKA
DEITZLER
HALL
HARRISON
KIRK
MILLER
REISHMAN
SHEETS
WARE
MAYOR JONES**

**CLOUSER
DENEALT

HIGGINS
KNAUFF
PAYNE
RUSSELL
SMITH
WEINTRAUB**

**DAVIS
EALY
HARRIS
JONES
LANE
REED
SALISBURY
TALKINGTON
WHITE**

WITH TWENTY- SEVEN 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. None

CLAIMS

1. A claim of Jenny Campbell, 404 26th St., Charleston, WV; alleges damage to personal property.

Refer to City Solicitor

2. A claim of Jo Ann Hampton, 505 26th St., Charleston, WV; alleges damage to personal property.

Refer to City Solicitor

The Clerk read the Communication:

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

Dear Mayor Jones and Councilmember's:

On February 3, 2010, the Municipal Planning Commission held public hearings and its regular monthly meeting. The following cases were heard:

Bill No. 7413

Petition of Highland Hospital Association requesting to close and abandon a 2,506.25 square foot section of an existing city alley between MacCorkle Avenue and Noyes Avenue beginning at 56th Street, S.E. and running 156.64 feet east, 16 feet wide. This case should be referred to the Finance Committee of Council for a determination of the consideration and also to the Planning Committee of Council.

Bill #7414 –as amended

Petition of the City of Charleston Planning Department to amend the Zoning Ordinance of the City of Charleston by making "Automotive Parts, Supplies, and Accessories." And "Automotive Rental or Leasing" a permitted use in the C-8 Village Commercial District. This case should be referred to Planning Committee of Council.

*Sincerely,
Municipal Planning Commission
Phyllis White
Phyllis White, Administrative Assistant*

They Mayor referred the cases to the Planning Committee.

The Clerk read the appointments:

TO: JAMES REISHMAN
CITY CLERK

FROM: DANNY JONES
MAYOR

RE: BOARD OF ZONING APPEALS

DATE: FEBRUARY 16, 2010

I recommend that Thomas C. Moorman, 914 Kanawha Boulevard, W., Charleston, WV 25302, be reappointed to the Board of Zoning Appeals, with a said term to expire January 1, 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: CHARLESTON HISTORIC LANDMARKS COMMISSION

DATE: FEBRUARY 16, 2010

I recommend that Terrell Ellis, 1045 ½ Bridge Road, Charleston, WV 25314, be reappointed to the Charleston Historic Landmarks Commission for the seat on the board to be filled by a layperson with an interest in historic preservation and restoration and for a term to expire September 1, 2012.

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

Council approved the appointment.

TO: JAMES REISHMAN
CITY CLERK

FROM: DANNY JONES
MAYOR

RE: CHARLESTON HISTORIC LANDMARKS COMMISSION

DATE: FEBRUARY 16, 2010

I recommend that Billy Joe Peyton, 1570 Virginia Street, East, Charleston, WV 25311, be reappointed to the Charleston Historic Landmarks Commission for the seat on the board to be filled by a structural historian and with a said term to expire September 1, 2012.

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

Council approved the appointment.

TO: JAMES REISHMAN
CITY CLERK

FROM: DANNY JONES
MAYOR

RE: BOARD OF ZONING APPEALS

DATE: FEBRUARY 16, 2010

I recommend that Stephen Mallory, 400 Mountain View, Charleston, WV 25314, be reappointed to the Board of Zoning Appeals, with a said term to expire January 1, 2013.

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

Council approved the appointment.

STREETS AND TRAFFIC

Councilman David Higgins, of the Council Committee on Streets and Traffic, submitted the following reports.

1. Your Committee on Streets and Traffic has had under consideration Bill No 7416, and reports the same to Council with the recommendation that the bill do pass.

Bill No. 7416 - A Bill to establish a vehicular parking zone for the exclusive use of the physically disabled, on weekdays from 9:00am to 9:00 pm and on Saturdays from 9:00 am to 5:00 pm on the Southerly side of Donnally Street from a point 27 feet east of McCormick Street to a point 49 feet east of McCormick Street, to provide for the removal of vehicles illegally parked in these spaces, to incorporate the provisions of West Virginia Code, Chapter 17C, Article 13, Section 6, and amending the Traffic Control Map and Traffic Control File, established by the Code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Law, Chapter one hundred fourteen, Article five, to conform therewith.

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

Section 1. A vehicular parking zone for the exclusive use of the physically disabled, on weekdays from 9:00am to 9:00 pm and on Saturdays from 9:00 am to 5:00 pm on the Southerly side of Donnally Street from a point 27 feet east of McCormick Street to a point 49 feet east of McCormick Street is hereby established.

Section 2. In order for a physically disabled person to utilize the parking spaces provided in the preceding section the vehicle which they are driving or in which they are being transported must display the distinguishing insignia provided for in West Virginia Code, Chapter 17C, Article 13, Section 6.

Section 3. It shall be unlawful for any vehicle not displaying the insignia provided for in Section 2 to park in those spaces for the disabled provided for in Section 1. Any vehicle in violation of this section may be ticketed and impounded as provided for in Chapter 31, Vehicles and Traffic Law, Code of the City of Charleston, West Virginia.

Section 4. The Traffic Control Map and Traffic Control File, established by the Code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Law, Chapter one hundred fourteen, Article five, shall be and hereby are, amended to conform to this Ordinance.

The question being on the passage of the Bill a roll call was taken and there were; yeas – 27, nays-0, absent -1, as follows:

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

ABSENT: Hanna

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7416, passed.

2. Your Committee on Streets and Traffic has had under consideration Bill No 7417, and reports the same to Council with the recommendation that the bill do pass.

Bill No. 7417 - A Bill to establish a vehicular parking zone for the exclusive use of the physically disabled, on weekdays from 9:00am to 9:00 pm and on Saturdays from 9:00 am to 5:00 pm on the Southerly side of Donnally Street from a point 29 feet west of McCormick Street to a point 51 feet west of McCormick Street, to provide for the removal of vehicles illegally parked in these spaces, to incorporate the provisions of West Virginia Code, Chapter 17C, Article 13, Section 6, and amending the Traffic Control Map and Traffic Control File, established by the Code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Law, Chapter one hundred fourteen, Article five, to conform therewith.

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

Section 1. A vehicular parking zone for the exclusive use of the physically disabled, on weekdays from 9:00am to 9:00 pm and on Saturdays from 9:00 am to 5:00 pm on the Southerly side of Donnally Street from a point 29 feet west of McCormick Street to a point 51feet west of McCormick Street is hereby established.

Section 2. In order for a physically disabled person to utilize the parking spaces provided in the preceding section the vehicle which they are driving or in which they are being transported must display the distinguishing insignia provided for in West Virginia Code, Chapter 17C, Article 13, Section 6.

Section 3. It shall be unlawful for any vehicle not displaying the insignia provided for in Section 2 to park in those spaces for the disabled provided for in Section 1. Any vehicle in violation of this section may be ticketed and impounded as provided for in Chapter 31, Vehicles and Traffic Law, Code of the City of Charleston, West Virginia.

Section 4. The Traffic Control Map and Traffic Control File, established by the Code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Law, Chapter one hundred fourteen, Article five, shall be and hereby are, amended to conform to this Ordinance.

The question being on the passage of the Bill a roll call was taken and there were; yeas – 27, nays-0, absent -1, as follows:

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

ABSENT: Hanna

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7417, passed.

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 711-10, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 711-10: “Authorizing the Finance Director to allocate funds in the amount of \$13,560 for rehabilitation of one (1) owner-occupied residence on the City’s West Side.”

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 \$13,560 for rehabilitation of one (1) owner-occupied residence on the City’s West Side.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas – 27, nays-0, absent -1, as follows:

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

ABSENT: Hanna,

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 711-10, adopted.

2. Your Committee on Finance has had under consideration Resolution No 712-10, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 712-10: “Authorizing the Mayor to sign and submit FY 2009 Community Participation Program grant information sheets and all related documents for Project No. 10LEDA0159, REA of Hope Fellowship Home, 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 FY 2009 Community Participation Program grant information sheets and all related documents for Project No. 10LEDA0159, REA of Hope Fellowship Home, in the amount of \$10,000.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas – 27, nays-0, absent -1, as follows:

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

ABSENT: Hanna,

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 712-10, adopted.

3. Your Committee on Finance has had under consideration Resolution No 713-10, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 713-10: “Authorizing the Finance Director to amend the 2009-2010 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 2009-2010 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 – 27, nays-0, absent -1, as follows:

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

ABSENT: Hanna,

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 713-10, adopted.

4. Your Committee on Finance has had under consideration Resolution No 714-10, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 714-10: “Authorizing the Mayor to sign Change Order No. 1 with GAI Consultants, in the amount of \$39,120, for engineering consulting services associated with updating the existing Storm Water Management Program (SWMP) for the City of Charleston for submittal to the West Virginia Department of Environmental Protection (WVDEP) for coverage under the NPDES permit for the next five year term. The change order increases the contract price from \$86,800 to \$125,920.”

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 GAI Consultants, in the amount of \$39,120, for engineering consulting services associated with updating the existing Storm Water Management Program (SWMP) for the City of Charleston for submittal to the West Virginia Department of Environmental Protection (WVDEP) for coverage under the NPDES permit for the next five year term. The change order increases the contract price from \$86,800 to \$125,920.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 714-10, adopted.

5. Your committee on Finance has had under consideration a bid submitted by Communication Service, in the amount of \$61,334.50, for purchase and installation of twenty-six (26) Emergency Equipment Packages for twelve (12) Ford Crown Victoria police cruisers (\$38,082); five (5) Dodge Avengers and five (5) Ford Fusion vehicles (\$14,715) to be used by the Charleston Police Department; and four (4) for vehicles to be used by Neighborhood Assistance Officers (\$8,537.50). To be charged to the following accounts:

\$52,797.00 - 001-976-00-700-4-459, Police—Capital Outlay, Equipment

\$ 8,537.50 - 094-976-00-999-4-459, Police—2009 BJAG Stimulus Grant ., 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 bid submitted by KH Police Supply, in the amount of \$74,375, for purchase of 175 various models of forty caliber (.40 cal) Glock pistols to be used by the City of Charleston Police Department. To be charged to Account No. 043-299-00-000-3-341, Police—Asset Forfeiture., 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 WPCS International, in the amount of \$19,548, for purchase of Mobile GPSA/Cellular/Wi-Fi Data Modems and Antennas to be used by the City of Charleston Police Department. To be charged to Account No. 001-976-00-700-4-459, Police—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.

8. Your committee on Finance has had under consideration a proposal submitted by Stephens Auto Center, in the amount of \$22,041, for a 2010 Ford Explorer to be used

by the Neighborhood Assistance Officer's Division of the Charleston Police Department. The new vehicle will replace a 2004 Ford Explorer. To be charged to Account No. 094-976-00-999-4-459, Police—2009 BJAG Stimulus Grant ., 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 General Truck Sales, in the amount of \$18,806, for purchase of a 2010 GMC Savanna extended body van to be used by the Humane Officer. The new vehicle will replace a 2000 GMC Van. To be charged to Account No. 094-976-00-999-4-459, Police—2009 BJAG Stimulus Grant., 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; January 2010.

Received and Filed.

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

Received and Filed.

3. Report of the City of Charleston Financial Statements for the Seven Month period ended January 31, 2010.

Received and Filed.

NEW BILLS

Introduced by Councilman Rick Burka on February 16, 2010:

Bill No. 7413- closing, abandoning and vacating a portion of an alley beginning at 56th Street and extending approximately 156.64 feet east into Block 200 in the Kanawha City District of the City of Charleston, Kanawha County, West Virginia, and accepting dedication of an easement in the southern portion of Lot 4 in said Block currently owned by Highland Hospital Association, Inc., for a turnaround area to be used by the public for ingress and egress over the remaining open portion of the alley to 57th Street.

Refer to Municipal Planning Commission, Planning Committee and Finance Committee.

Introduced by Councilperson Mary Jean Davis on February 16, 2010:

Bill No. 7414 amending the Zoning Ordinance for the City of Charleston, West Virginia, adopted November 21, 2005 by making "Automotive Parts, Supplies, and Accessories",

“Automotive Body and Paint Shop”, and “Automotive Rental or Leasing” a permitted use in the C-8 Village Commercial District.
Refer to Municipal Planning Commission, Planning Committee

ROLL CALL

The Clerk called the roll and the following members were in attendance:
YEAS: Burka, Clowser, Davis, Deitzler, Deneault, Ealy, Hall, Higgins, Harrison, Harris, Jones, Kirk, Knauff, Lane, Miller, Payne, Reed, Reishman, Russell, Salisbury, Sheets, Smith, Talkington, Ware, Weintraub, White, Mayor Jones.
ABSENT: Hanna

At 7:25 p.m., by a motion from Councilmember Harrison, Council adjourned until Monday, March 1, 2010, at 7:00 p.m.

Danny Jones, Honorable Mayor

James M. Reishman, City Clerk