



**JOURNAL of the PROCEEDINGS
of the
CITY COUNCIL**

CITY OF CHARLESTON, WEST VIRGINIA

Regular Meeting – Monday, November 4, 2013

at 7:00 P.M.

Council Chamber – City Hall – Charleston, West Virginia

OFFICIAL RECORD

Danny Jones
Mayor

James M. Reishman
City Clerk

CALL TO ORDER

The Council met in the Chambers of the City Building at 7:00 P.M., for the first meeting in the month of November on the 4th day, in the year 2013, and was called to order by the Honorable Mayor, Danny Jones. The invocation was delivered by Councilman Richardson and the Pledge of Allegiance was led by Councilman Miller. The Honorable James M. Reishman, City Clerk, called the roll of members and it was found that there were present at the time:

**BURKA
DAVIS
EALY
HOOVER
MILLER
PERSINGER
RUSSELL
SMITH
TALKINGTON
MAYOR JONES**

**BURTON
DENEALT
HAAS
KIRK

REISHMAN
SALISBURY

WARE**

**DODRILL
HARRISON
LANE
NICHOLS
RICHARDSON
SHEETS
STAJDUHAR
WHITE**

With twenty-five members being present, the Mayor declared a quorum present.

Pending the reading of the Journal of the previous meeting, the reading thereof was dispensed with and the same duly approved.

PUBLIC SPEAKERS

1. Ron Cobb of 1061 Circle Road in Charleston, WV spoke about a coyote problem in the city limits, specifically the South Hills area.

CLAIMS

1. A claim of Kevin Andre Boxley, 608 West King St., Martinsburg, WV; alleges damage to property.
Referred to City Solicitor
2. A claim of Douglas T. Davis III, 423 21st Street, Charleston, WV; alleges damage to property.
Referred to City Solicitor

REPORTS OF COMMITTEES

COMMITTEE ON URBAN RENEWAL

Councilperson Jerry Ware, Chairperson of the Council Committee on Urban Renewal, submitted the following reports:

1. Your committee on Urban Renewal has had under consideration Bill number 7600, and reports the same to Council with the recommendation that the bill do pass.
Sponsors of the Bill: Mary Jean Davis, Susie Salisbury, Mary Beth Hoover, Robert Sheets

Bill No. 7600 - A Bill approving the modification and reenactment of the Downtown/Old Charleston Urban Renewal Plan (the “Plan”) for the City of Charleston, West Virginia, as follows: Reenact and reactivate the Plan that expired by its terms on January 1, 2008, and to extend the effective date of the Plan to January 1, 2023.

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

1. The City Council finds that:
 - a. The Charleston Urban Renewal Authority (“CURA”) has recommended a certain reenactment, modification, and extension of the Plan for the City of Charleston;

- b. The reenactment, modification, and extension of the Plan comports with the Comprehensive Plan adopted by the City of Charleston;
 - c. The Municipal Planning Commission of the City of Charleston has submitted to CURA, the Commission’s findings that the proposed reenactment, modification, and extension of the Plan conform with said Comprehensive Plan;
 - d. City Council has duly considered said findings; and
 - e. Section F of said Plan provides that the Plan may be changed from time to time in compliance with the requirements of the law.
2. The modification of the Plan set forth in the following section of this ordinance are hereby found to be feasible and in compliance with the Comprehensive Plan for the City of Charleston.
 3. Reenact the Plan for a period of 15 years from the date of its termination, as amended, up to and including January 1, 2023.
 4. Section C.5 of the Plan is revised as follows: The Plan shall expire on January 1, 2023.
 5. All prior ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

Councilman Ware moved to approve the Bill. Councilman Lane seconded the motion. The question being on the passage of the Bill. A roll call was taken and there were; yeas – 25, nays – 0, absent- 3, as follows:

YEAS: Burka, Burton, Davis, Deneault, Dodrill, Ealy, Haas, Harrison, Hoover, Kirk, Lane, Miller, Nichols, Persinger, Reishman, Richardson, Russell, Salisbury, Sheets, Smith, Stajduhar, Talkington, Ware, White, Mayor Jones.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill 7600 adopted.

2. Your committee on Urban Renewal has had under consideration Bill number 7601, and reports the same to Council with the recommendation that the bill do pass.

Sponsors of the Bill: Mary Jean Davis, Susie Salisbury, Mary Beth Hoover, Robert Sheets

Bill No. 7601 - A Bill approving the modification and reenactment of the West Side Urban Renewal Plan (the “Plan”) for the City of Charleston, West Virginia, that expired

by its terms on January 1, 2005, and to extend the effective date of the Plan to January 1, 2023.

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

1. The City Council finds that:
 - a. The Charleston Urban Renewal Authority (“CURA”) has recommended a certain reenactment, modification, and extension of the Plan for the City of Charleston;
 - b. The reenactment, modification, and extension of the Plan comports with the Comprehensive Plan adopted by the City of Charleston;
 - c. The Municipal Planning Commission of the City of Charleston has submitted to CURA, the Commission’s findings that the proposed reenactment, modification, and extension of the Plan conform with said Comprehensive Plan;
 - d. City Council has duly considered said findings; and
 - e. Section F of said Plan provides that the Plan may be changed from time to time in compliance with the requirements of the law.
2. The modification of the Plan set forth in the following section of this ordinance are hereby found to be feasible and in compliance with the Comprehensive Plan for the City of Charleston.
3. Reenact the Plan for a period of 18 years from the date of its termination, as amended, up to and including January 1, 2023.
4. Section C.5 of the Plan is revised as follows: The Plan shall expire on January 1, 2023.
5. All prior ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

Councilman Ware moved to approve the Bill. Councilman Lane seconded the motion. The question being on the passage of the Bill. A roll call was taken and there were; yeas – 25, nays – 0, absent- 3, as follows:

YEAS: Burka, Burton, Davis, Deneault, Dodrill, Ealy, Haas, Harrison, Hoover, Kirk, Lane, Miller, Nichols, Persinger, Reishman, Richardson, Russell, Salisbury, Sheets, Smith, Stajduhar, Talkington, Ware, White, Mayor Jones.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill 7601 adopted.

COMMITTEE ON PUBLIC SAFETY

Councilperson Bob White, Chairperson of the Council Committee on Public Safety, submitted the following report:

1. Your committee on Urban Renewal has had under consideration Bill number 7604, and reports the same to Council with the recommendation that the bill do pass.

Sponsor of the Bill: Bob White

Bill No. 7604- A BILL to amend and re-enact Section 54-71, as amended, and Section 54-74, as amended, of the Code of The City of Charleston for the purpose of updating definitions of care provided by Emergency Medical Service personnel, and charges for ambulance transportation provided by 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, 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 the provision of ambulance transports;

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

That Section 54-71, as amended, and Section 54-74, as amended, of the Code of The City of Charleston are hereby amended and re-enacted 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:

ALS means advanced life support administered by a paramedic. ALS-1 means the patient receives treatment such as Monitor, NTG, 2 or less IV, IM, SQ, IO, LS medications going to an emergency department. ALS-2 means the patient receives advanced ALS treatment such as intubation, defibrillation, chest decompression or 3 or more IV, IM SQ IO SL medications. ALS-N means non-emergency transportation where ALS is administered.

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.

BLS means basic life support administered by an EMT or paramedic. BLS-E means basic life support provided to a patient going to an emergency department. BLS-N means basic life support provided to patient during non-emergency transportation.

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-p*~~*Paramedic* means one who has successfully completed the course for certification as an emergency medical technician-paramedic or 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 service system from a medical perspective.

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-1 loading fee	\$500.00 <u>681.84</u>
ALS-2 loading fee	<u>687.39</u>
ALS-N....	<u>681.84</u>

BLS-E loading fee	275.00 <u>414.47</u>
BLS-N....	<u>313.09</u>
Oxygen charge	25.00
ALS mileage fee, per mile	6.429.02
BLS mileage fee, per mile	6.429.02

(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.

Councilman White moved to approve the Bill. Councilman Lane seconded the motion. The question being on the passage of the Bill. A roll call was taken and there were; yeas – 25, nays – 0, absent- 3, as follows:

YEAS: Burka, Burton, Davis, Deneault, Dodrill, Ealy, Haas, Harrison, Hoover, Kirk, Lane, Miller, Nichols, Persinger, Reishman, Richardson, Russell, Salisbury, Sheets, Smith, Stajduhar, Talkington, Ware, White, Mayor Jones.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill 7604 adopted.

COMMITTEE ON FINANCE

Councilperson Bobby Reishman, Chairperson of the Council Committee on Finance, submitted the following reports.

1. Your committee on Finance has had under consideration Resolution No. 373-13, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 373-13: Authorizing the Mayor or City Manager to sign a renewal of the contract with ING Employee Benefits for the City's life insurance program and the continuance of basic rates at current levels for a three year period from January 1, 2014 to January 1, 2017.

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

That the Mayor or City Manager is hereby authorized and directed to sign a renewal of the contract with ING Employee Benefits for the City's life insurance program and the continuance of basic rates at current levels for a three year period from January 1, 2014 to January 1, 2015, at the following rates:

	Basic <u>Basic Life</u>	<u>Basic AD&D</u>	<u>Dependent Family</u>
Enrolled Lives	1318	861	391
Inforce Rate(s) (per 1,000)	\$0.570	\$0.040	\$2.47
Renewal Rate(s) (per 1,000)	\$0.570	\$0.040	\$2.47
Rate Guarantee	2 years	2 years	2 years

Councilman Reishman moved to approve the Resolution. Councilman Lane seconded the motion. With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution 373-13 adopted.

2. Your committee on Finance has had under consideration Resolution No. 374-13, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 374-13: Authorizing the Mayor or City Manager to enter into a renewal agreement with Aetna Life Insurance Company, through Commercial Insurance Services, to provide a Medicare Advantage PPO as the sole healthcare plan for Medicare eligible retirees from the City of Charleston and their Medicare eligible dependents, at the rate of \$116.46 per month per beneficiary. This is a \$15.49 increase over the previous year's medical rate of \$100.97 and will be reflected in the rates for Medicare eligible retirees pursuant to the rate schedule. The rate increase is attributable to mandates related to the Affordable Care Act.

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

That the Mayor or City Manager is hereby authorized and directed to enter into a renewal agreement with Aetna Life Insurance Company, through Commercial Insurance Services, to provide a Medicare Advantage PPO as the sole healthcare plan for Medicare eligible retirees from the City of Charleston and their Medicare eligible dependents, at the rate of \$116.46 per month per beneficiary. This is a \$15.49 increase over the previous year's medical rate of \$100.97 and will be reflected in the rates for Medicare eligible retirees pursuant to the rate schedule. The rate increase is attributable to mandates related to the Affordable Care Act

Councilman Reishman moved to approve the Resolution. Councilman Lane seconded the motion. With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution 374-13 adopted.

3. Your Committee on Finance has had under consideration Resolution No. 375-13, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 375-13: Authorizing an amendment to Resolution No. 366-13, approved

by Council October 21, 2013, providing for an increase in grant funds from the West Virginia Governor's Highway Safety Office from \$545,000 to \$680,000 to be received and administered by the Mayor to support activities in the four-county Metro Valley Highway Safety Program of Kanawha, Boone, Clay, and Logan counties.

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

That an amendment to Resolution No. 366-13, approved by Council October 21, 2013, providing for an increase in grant funds from the West Virginia Governor's Highway Safety Office from \$545,000 to \$680,000 to be received and administered by the Mayor to support activities in the four-county Metro Valley Highway Safety Program of Kanawha, Boone, Clay, and Logan counties, is hereby approved.

Councilman Reishman moved to approve the Resolution. Councilman Lane seconded the motion. With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution 375-13 adopted.

4. Your Committee on Finance has had under consideration Resolution No. 376-13, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 376-13: Authorizing the Mayor or City Manager to apply for the FY 2013 Emergency Management Performance Grant ("EMPG") through the West Virginia Division of Homeland Security and Emergency Management. This grant will assist the City in continuing and improving its emergency management response system and will reimburse the City 50% for most of the operating and other costs incurred by the Office of Emergency Services and Homeland Security."

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

That the Mayor or City Manager are hereby authorized and directed to apply for the FY 2013 Emergency Management Performance Grant ("EMPG") through the West Virginia Division of Homeland Security and Emergency Management. This grant will assist the City in continuing and improving its emergency management response system and will reimburse the City 50% for most of the operating and other costs incurred by the Office of Emergency Services and Homeland Security.

Councilman Reishman moved to approve the Resolution. Councilman Lane seconded the motion. With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution 376-13 adopted.

NEW BILLS

Introduced by Council Member Bobby Reishman on November 4, 2013:

Bill No. 7605 – Closing, abandoning, discontinuing and vacating a portion of the 33rd Street right-of-way in Lots 12, 13, and 14 of Block 18 in the Kanawha City District of the City of Charleston, Kanawha County, West Virginia.

Referred to the Municipal Planning Commission, Planning Committee, Finance Committee

Introduced by Council Members Mary Jean Davis on November 4, 2013:

Bill No. 7606 – A Bill closing, abandoning and discontinuing as a public right-of-way a portion of Twilight Drive and Denton Street, said right ways are located in the Coal Branch Heights area, situate north of Kent Hall Street and east of Coleman Drive, in the City of Charleston, West Virginia

Referred to the Municipal Planning Commission, Planning Committee, Finance Committee

Introduced by Council Member Brent Burton on November 4, 2013:

Bill No. 7607 – A Bill Changing the ward boundaries in the City of Charleston.

Referred to the Redistricting Committee

Introduced by Council Member Tom Lane on November 4, 2013:

Bill No. 7608 - An Ordinance amending the Code of the City of Charleston Section 78-322 – Violation; penalty – revising the penalties for prostitution and related offenses.

Referred to the Ordinance & Rules Committee

ADJOURNMENT

The Honorable James M. Reishman, City Clerk, called the closing roll call:

YEAS: Burka, Burton, Davis, Deneault, Dodrill, Ealy, Haas, Harrison, Hoover, Kirk, Lane, Miller, Nichols, Persinger, Reishman, Richardson, Russell, Salisbury, Sheets, Smith, Stajduhar, Talkington, Ware, White, Mayor Jones

ABSENT: Clowser, Minardi, Snodgrass

At 7:17 p.m., by a motion from Councilmember Ware, Council adjourned until Monday, November 18, 2013, at 7:00 p.m., in the Council Chamber in City Hall.

Danny Jones, Honorable Mayor

James M. Reishman, City Clerk