



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

CITY OF CHARLESTON, WEST VIRGINIA

Regular Meeting – Monday, December 2, 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 December on the 2nd day, in the year 2013, and was called to order by the Honorable Mayor, Danny Jones. The invocation was delivered by Councilman Harrison and the Pledge of Allegiance was led by Councilman Ware. 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**

**HOOVER
MILLER
PERSINGER**

**SMITH
TALKINGTON
MAYOR JONES**

**BURTON
DENEALT
HAAS
KIRK
MINARDI
REISHMAN
SALISBURY**

WARE

**CLOUSER
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.
2. Dale Monk of 711 Hazel Road in Charleston, WV spoke about a coyote problem in the City.

COMMUNICATIONS

**TO: JAMES REISHMAN
CITY CLERK**

**FROM: DANNY JONES
MAYOR**

RE: MUNICIPAL PLANNING COMMISSION

DATE: DECEMBER 2, 2013

I recommend that Christi Smith, 2022 Huber Road, Charleston, WV 25314, be appointed to the Municipal Planning Commission, with an initial term to expire July 1, 2014. She is replacing Jody Connell.

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

Councilman Harrison moved to approve the appointment. Councilman Lane seconded the motion. 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: MUNICIPAL PLANNING COMMISSION

DATE: DECEMBER 2, 2013

I recommend that Adam Krason, 222 Lee Street, West, Charleston, WV 25302, be appointed to the Municipal Planning Commission, with an initial term to expire July 1, 2016. He is replacing Dean Dawson.

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

Councilman Harrison moved to approve the appointment. Councilman Lane seconded the motion. 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: KANAWHA VALLEY REGIONAL TRANSPORTATION AUTHORITY

DATE: DECEMBER 2, 2013

I am recommending that John Miller Jr., 3508 Virginia Avenue, Charleston 25304, be reappointed the Kanawha Valley Regional Transportation Authority, with a said term to expire December 31, 2016.

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

Councilman Harrison moved to approve the appointment. Councilman Lane seconded the motion. With a majority of members elected recorded thereon as voting in the affirmative, the Mayor declared the appointment confirmed.

REPORTS OF COMMITTEES

COMMITTEE ON PLANNING

Councilperson Mary Jean Davis, Chairperson of the Council Committee on Planning, submitted the following reports:

1. Your committee on Planning has had under consideration Bill No. 7605, and reports the same to Council with the recommendation that the bill do pass.
Sponsor of the Bill: Robert Reishman

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.

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

1. A portion of the 33rd Street right-of-way located in Lots 12, 13 and 14 of Block 18, of the Kanawha City District of the City of Charleston, Kanawha County, West Virginia, containing a total of approximately 7,550 square feet, is to be hereafter abandoned, vacated and closed by the City of Charleston. The remainder of the 33rd Street right-of-way will remain a public right-of-way. The portion of the 33rd Street right-of-way to be closed is described below and depicted on that certain "Plat Showing A 7,750 Sq. Ft. Tract of Land Being Existing Right of Way of 33rd Street To Be Conveyed to Charleston Area Medical Center, Inc. Situate in City of Charleston, Kanawha County, West Virginia Scale: 1" = 30' Date September 12, 2013" prepared by James T. Rayburn, Professional Surveyor, WV License No. 2024, and attached hereto as Exhibit A:

Beginning at a survey nail in concrete, found in the northern right of way line of MacCorkle Avenue, S.E. (WV Route 61) at the southwesterly corner of Lot 14 of Block 18 of the Revised Map of Kanawha City, as recorded in the Office of the Clerk of the County Commission of Kanawha County in Map Book 2, at Pages 148 and 149, said point being in the existing eastern right of way line of 33rd Street and located, for reference, N.84°22'40"W., a distance of 150.00 feet, as measured along the northern right of way line of MacCorkle Avenue, S.E., from a survey nail found at the intersection of the northern right of way line of MacCorkle Avenue, S.E. with the western right of way line of 34th Street; thence, from said beginning point, leaving said Lot 14 and with said right of way line of MacCorkle Avenue, S.E., N.84°22'40"W. — 12.99 feet to a 5/8 inch diameter capped rebar, thirty inches long, set; thence leaving MacCorkle Avenue, S.E. and running with the proposed new eastern right of way line of 33rd Street, on a line approximately five feet from the back of the concrete sidewalk along the eastern side of 33rd Street, with a curve to the right, said curve having a radius of 47.00 feet and an arc length of 64.45 feet, the chord of which bears N.33°37'45"W., for a distance

of 59.52 feet to a 5/8 inch diameter capped rebar, thirty inches long, set; thence continuing with the proposed new eastern right of way line of 33rd Street, N.05°39'23"E. — 11.93 feet to a 5/8 inch diameter capped rebar, thirty inches long, set; thence continuing with the proposed new eastern right of way line of 33rd Street, on a line approximately five feet from the back of the concrete sidewalk along the eastern side of 33rd Street, with a curve to the left, said curve having a radius of 224.39 feet and an arc length of 73.43 feet, the chord of which bears N.03°43'05"W., for a distance of 73.10 feet to a 5/8 inch diameter capped rebar, thirty inches long, set; thence continuing with the proposed new eastern right of way line of 33rd Street, N.13°05'33"W. 11.64 feet to a 5/8 inch diameter capped rebar, thirty inches long, set; thence continuing with the proposed new eastern right of way line of 33rd Street, on a line approximately five feet from the back of the concrete sidewalk along the eastern side of 33rd Street, with a curve to the right, said curve having a radius of 175.61 feet and an arc length of 9.26 feet, the chord of which bears N.11°34'56"W., for a distance of 9.26 feet to a 5/8 inch diameter capped rebar, thirty inches long, set; thence continuing with the proposed new eastern right of way line of 33rd Street, S.84°22'40"E., at 18.98 feet passing the existing eastern right of way line of 33rd Street at its intersection with the southern right of way line of an alley, 16 feet wide, and from this point continuing with the southern right of way line of said alley for 50 feet, for a total distance on this bearing of 68.98 feet to a capped rebar found at the northwesterly corner of the aforementioned Lot 14 of Block 18 of the Revised Map of Kanawha City, said capped rebar being located, for reference, N.84°22'40"W., a distance of 150.00 feet, as measured along the southern right of way line of the said alley, from a survey nail found at the intersection of the southern right of way line of said alley with the western right of way line of 34th Street; thence leaving said alley and with the westerly line of said Lot 14, S.05°37'20"W. — 150.00 feet to the point of beginning, containing 7,750 square feet (0.178 acres), more or less.

2. The above-described portion of the 33rd Street right-of-way is to be abandoned, closed and vacated by the City of Charleston. The Mayor of the City of Charleston be, and is hereby authorized and directed to execute, acknowledge and deliver a proper deed conveying all of its right, title and interest in said vacated portion of the 33rd Street right-of-way to Charleston Area Medical Center, Inc., the owner of the land encumbered by said right-of-way and the sole adjacent property owner, within a reasonable time of passage of this ordinance for the below-described consideration. The remainder of said 33rd Street right-of-way is to remain a public right-of-way.

3. The consideration for such closure, abandonment and vacation of the portion of the 33rd Street right-of-way is payment from Charleston Area Medical Center, Inc., to the City of Charleston of monetary consideration in the amount of \$12,400.00.

4. All prior ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

Council lady Davis moved for passage of Bill No. 7605. Councilman Lane seconded the motion. The bill in question will be voted on under the Finance reports.

2. Your committee on Planning has had under consideration Bill No. 7606, and reports the same to Council with the recommendation that the bill do pass.

Sponsor of the Bill: Mary Jean Davis

Bill 7606 - A Bill closing, abandoning and discontinuing as a public right-of-way a portion of Twilight Drive and Denton Street, said right of 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.

BE IT ORDAINED BY THE CITY COUNCIL OF CHARLESTON, WEST VIRGINIA:

1. The public right-of-way commonly known as Twilight Drive extending g from the intersection with Denton Street up to the William Nutter farm, located in the 9th Ward of the City of Charleston, Kanawha County, West Virginia, more aptly described as follows:

Beginning at a point marking the intersection of Twilight Drive and Denton Street; thence crossing said right of way of Twilight Drive, N. 89°43'42" W. a distance of 30.85 feet to a point on the westerly right of way of said Twilight Drive; thence with the following five (5) lines: 1. N. 13°46'40" E. a distance of 155.99 feet to a point; thence, 2. N. 82°43'22" E. a distance of 198.03 feet to a point at the southern intersection with a previously closed street; thence with said closed street, 3. N. 60°07'03" E. a distance of 25.00 feet to a point at the northern intersection with said closed street; thence continuing with said westerly right of way of Twilight Drive, 4. N. 42°47'33" E. a distance of 468.82 feet to a point; thence, 5. N. 66°15'37" E. a distance of 265.85 feet to a point in the eastern line of Armor Plate Addition in the division line with Corotoman, Inc.; thence with said division line, S. 11°58'10" W. a distance of 19.90 feet to a point; thence leaving Armor Plate Addition running in an easterly direction with the northern right of way of Twilight Drive being 15 feet from the centerline there off, In an eastern direction 1,882 feet, more or less, to a point on the division line of William Nutter, et al, with Corotoman, Inc.; thence with the division line there off, In a northeastern direction 30 feet, more or less to a point on the south right of way of said Twilight Drive; thence with the southern right of way of Twilight Drive being 15 feet from the centerline there off, In an western direction 1,871 feet, more or less, to a point on the division line of a public alley of Armor Plate Addition with Corotoman, Inc.; thence with the division line there off, S. 11°58'10" W. a distance of 9.07 feet to a point; thence crossing the public alley, N. 78°01'50" W. a distance of 15.37 feet to a point; thence with the alley, N. 12°01'38" E. a distance of 15.25

feet to a point on the intersection with the southern right of way of Twilight Drive; thence with said right of way of Twilight Drive the following two (2) lines: 1. S. 66°15'37" W. a distance of 219.14 feet to a point; thence, 2. S. 42°47'33" W. a distance of 217.40 feet to a point at the intersection of the northern right of way line of a 15 foot wide public alley; thence with said right of way line of the alley, N. 79°19'17" E. a distance of 20.83 feet to a point; thence crossing said alley, S. 42°47'33" W. a distance of 16.80 feet to a point on the southern right for way of said alley; thence with said right of way line of the alley, S. 79°19'17" W. a distance of 20.83 feet to a point on the easterly right of way of Twilight Drive; thence with said right of way line of Twilight Drive the following five (5) lines: 1. S. 42°47'33" W. a distance of 201.54 feet to a point; thence, 2. S. 42°47'33" W. a distance of 51.16 feet to a point; thence, 3. S. 79°11'18" W. a distance of 16.26 feet to a point; thence, 4. S. 82°43'22" W. a distance of 184.90 feet to a point; thence, 5. S. 13°46'40" W. a distance of 128.18 feet to the Point of Beginning having an area of 114,937 square feet, or 2.64 acres.

2. The public right-of-way commonly known as Denton Street extending from the intersection with Main Street and extending up to A Street and Kent Hall Street, located in the 9th Ward of the City of Charleston, Kanawha County, West Virginia, more aptly described as follows:

Beginning at a point on the northerly right of way line of Denton Street the the with Main Street; thence with said right of way line of Denton Street the following fifteen (15) lines: 1. S. 51°46'48" E. a distance of 16.87 feet to a point; thence, 2. With a curve turning to the left along an arc length of 71.40 feet, having a radius of 150.76 feet, and a chord bearing of N. 89°50'36" E. and a chord length of 70.73 feet to a point; thence, 3. N. 70°26'33" E. a distance of 210.81 feet to a point; thence, 4. N. 76°34'51" E. a distance of 279.40 feet to a point at the westerly intersection with the former Frank Street; thence, 5. N. 54°52'08" E. a distance of 22.55 feet to a point at the easterly intersection with said former Frank Street; thence continuing with said right of way line of Denton Street, 6. N. 79°51'15" E. a distance of 10.00 feet to a point; thence, 7. S. 88°19'45" E. a distance of 85.80 feet to a point; thence, 8. S. 67°39'11" E. a distance of 110.74 feet to a point; thence, 9. S. 62°32'44" E. a distance of 6.29 feet to a point; thence, 10. S. 32°55'38" E. a distance of 15.18 feet to a point; thence, 11. S. 16°19'50" E. a distance of 10.39 feet to a point; thence, 12. S. 16°19'50" E. a distance of 26.18 feet to a point; thence, 13. S. 22°09'25" E. a distance of 64.46 feet to a point at the westerly intersection of the former A Street; thence, 14. S. 20°02'56" E. a distance of 31.54 feet to a point at the westerly intersection of the former A Street; thence, 15. S. 27°39'39" E. a distance of 101.77 feet to a point; thence crossing said Denton Street, S. 63°35'41" W. a distance of 33.49 feet to a point on the southerly right of way line of said Denton Street; thence with said right of way line of Denton Street the following eleven (11) lines: 1. N. 24°00'10"

W. a distance of 75.00 feet to a point at the intersection with the southern right of way line of Kent Street; thence, 2. N. 19°29'28" W. a distance of 30.00 feet to a point at the intersection with the northern right of way line of Kent Street; thence, 3. N. 13°48'26" W. a distance of 96.31 feet to a point; thence, 4. N. 51°19'59" W. a distance of 19.00 feet to a point at the intersection of the southern right of way line of an alley; thence, 5. N. 54°14'08" W. a distance of 12.13 feet to a point at the intersection of the northern right of way line of an alley; thence, 6. N. 72°46'23" W. a distance of 139.07 feet to a point; thence, 7. N. 71°59'33" W. a distance of 20.17 feet to a point; thence, 8. S. 76°35'01" W. a distance of 324.77 feet to a point; thence, 9. S. 70°28'28" W. a distance of 211.97 feet to a point; thence, 10. With a curve turning to the right along an arc length of 92.88 feet, having a radius of 180.71 feet, and a chord bearing of N. 89°07'39" W. and a chord length of 91.86 feet to a point, thence, 11. N. 51°46'48" W. a distance of 23.15 feet to a point; thence crossing Denton Street, N. 38°13'12" E. a distance of 30.00 feet to the Point of Beginning and having an area of 32,341 square feet, 0.74 acres, more or less.

3. The Mayor of the City of Charleston be, and is hereby authorized and directed to execute, acknowledge and deliver a proper deed conveying to the Central West Virginia Regional Airport Authority (CWVRAA) and it's successors in office, all right, title and interest in and to said real property as described in Section 1 and 2 above, for the consideration of Forty-four thousand dollars and 00/100 (\$ 44,000.00).

4. All prior ordinances, or parts of ordinances, inconsistent with this ordinance, are hereby repealed to the extent of such inconsistency.

Council lady Davis moved for passage of Bill No. 7606. Councilman Lane seconded the motion. The bill in question will be voted on under the Finance reports.

3. Your committee on Planning has had under consideration a Street Naming, and reports the same to Council with the recommendation that the Street Naming be approved.

Your Committee on Planning has had under consideration a request to name a new street in the 1500 block of Connell Road to Patriot Way attached hereto and made a part thereof.

Your Committee finds the request complies with the E911 Addressing Regulation and reports the same to Council with the recommendation that the drive be named Patriot Way.

Council lady David 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 the street naming confirmed.

COMMITTEE ON ORDINANCE AND RULES

Councilperson Jack Harrison, Chairperson of the Council Committee on Ordinance and Rules, submitted the following report:

- 1. Your committee on Ordinance and Rules has had under consideration Bill No. 7608, and reports the same to Council with the recommendation that the bill do pass.

Sponsor of the Bill: J. Thomas Lane

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.

WHEREAS, the current penalty for first offense prostitution related convictions is a fine of up to \$500, up to 30 days in jail, or both;

WHEREAS, the Council of the City of Charleston, West Virginia, is of the opinion that certain first offense prostitution related convictions should not include a possible jail term; and

WHEREAS, the Council of the City of Charleston, West Virginia, has determined to amend Section 78-322 of the Code of the City of Charleston, to eliminate the possible jail term for first time offenders of certain prostitution related offenses.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CHARLESTON, WEST VIRGINIA:

That Section 78-322 of the Code of the City of Charleston shall be amended to read as follows:

Sec. 78-322. Violation; penalty.

(a) Except as provided in subsection (b), below, Any person violating the provisions of this division shall be guilty of a misdemeanor and subject to the general penalties as provided in section 1-8 of this Code.

(b) Upon the first conviction of any one of the following prostitution offenses, the defendant shall be guilty of a misdemeanor and subject only to a fine of up to \$500:

- (1) Engaging in prostitution in violation of § 78-323;
- (2) Entry to a house of prostitution in violation of § 78-325;
- (3) Enticing for prostitution in violation of § 78-327; and
- (4) Loitering for prostitution in violation of § 78-328.

FURTHER ORDAINED, that this revised penalty shall apply retroactively to all pending, but not yet finally adjudicated charges.

Councilman Harrison 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 – 20, nays – 5, absent- 3, as follows:

YEAS: Burka, Burton, Clowser, Davis, Deneault, Haas, Harrison, Hoover, Kirk, Lane, Miller, Nichols, Reishman, Richardson, Russell, Salisbury, Stajduhar, Talkington, White, Mayor Jones.

NAYS: Dodrill, Persinger, Sheets, Smith, Ware

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill 7608 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. 384-13, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 384-13, authorizing approval of an Agreement with PAPCO, entered into on November 20, 2013, and signed by the City Manager, for purchase of E-10 Gasoline at \$2.7614 per gallon and Ultra Low Sulfur Diesel Fuel at \$3.0589 per gallon for a one year period from November 20, 2013 to November 20, 2014. The City has the option to renew the contract for an additional one year period from November 20, 2014 to November 20, 2015, subject to approval of City's legal counsel, at a cost of \$2.6614 per gallon for E-10 Gasoline and \$3.0089 per gallon for Ultra Low Sulfur Diesel Fuel. The agreement was entered into as a result of Council approval of Resolutions No. 378-13 and No. 379-13 on November 18, 2013, authorizing the Mayor or City Manager to enter into an agreement for the fuels by exercising discretion in accepting or rejecting bids received by Kanawha Valley Regional Transportation Authority ("KVRTA") on November 20, 2013, with bid prices remaining in effect for a 24-hour period.

To be charged to Account No. 001-754-00-000-3-343, Equipment Maintenance—Gas, Oil & Tires

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 384-13 adopted.

2. Your committee on Finance has had under consideration Resolution No. 385-13, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 385-13- authorizing the Mayor or City Manager to sign Change Order

No. 1 with Garcie R. Marker & Sons for additions to the Concrete Curb and Sidewalk Project – Summer 2013, in the amount of \$128,700.00. Change Order No. 1 provides for replacement of curb and sidewalk in the 1500 Block of Sixth Avenue, 300 Block of Maryland Avenue, and the 700 Block of Randolph Street, increasing the contract price from \$211,500.00 to \$340,200.00.

To be charged to Account No. 009-013-00-032-0-999, CDBG—Curb & Sidewalk

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

YEAS: Burka, Burton, Clowser, Davis, Deneault, Dodrill, 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 Resolution 385-13 adopted.

3. Your committee on Finance has had under consideration Resolution No. 386-13, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 386-13 - Authorizing the Mayor or his designee to submit an application to FEMA for grant funds in the amount of \$122,000 to be used by the Charleston Fire Department for purchase of mobile data terminals and related software. A 10% match of City funds up to \$13,000 is required, making the total project cost \$135,000.

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

That the Mayor or his designee is hereby authorized and directed to submit an application to FEMA for grant funds in the amount of \$122,000 to be used by the Charleston Fire Department for purchase of mobile data terminals and related software. A 10% match of City funds up to \$13,000 is required; making the total project cost \$135,000.

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 386-13 adopted.

4. Your committee on Finance has had under consideration the following committee report, and reports the same to Council with the recommendation that the committee report do pass.

A proposal submitted by Stephens Auto Center, in the amount of \$26,791.00, for purchase of a 2014 Police Interceptor to replace Cruiser No. 204 that was totaled in an accident on September 12, 2013.

To be charged to Account No. 001-976-00-700-4-459, Police—Capital Outlay, Equipment

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

5. Your committee on Finance has had under consideration Bill No. 7605, and reports the same to Council with the recommendation that the committee report do pass.

Bill 7605 - A Bill closing, abandoning and discontinuing as a public right-of-way a portion of Twilight Drive and Denton Street, said right of 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.

BE IT ORDAINED BY THE CITY COUNCIL OF CHARLESTON, WEST VIRGINIA:

1. The public right-of-way commonly known as Twilight Drive extending g from the intersection with Denton Street up to the William Nutter farm, located in the 9th Ward of the City of Charleston, Kanawha County, West Virginia, more aptly described as follows:

Beginning at a point marking the intersection of Twilight Drive and Denton Street; thence crossing said right of way of Twilight Drive, N. 89°43'42" W. a distance of 30.85 feet to a point on the westerly right of way of said Twilight Drive; thence with the following five (5) lines: 1. N. 13°46'40" E. a distance of 155.99 feet to a point; thence, 2. N. 82°43'22" E. a distance of 198.03 feet to a point at the southern intersection with a previously closed street; thence with said closed street, 3. N. 60°07'03" E. a distance of 25.00 feet to a point at the northern intersection with said closed street; thence continuing with said westerly right of way of Twilight Drive, 4. N. 42°47'33" E. a distance of 468.82 feet to a point; thence, 5. N. 66°15'37" E. a distance of 265.85 feet to a point in the eastern line of Armor Plate Addition in the division line with Corotoman, Inc.; thence with said division

line, S. 11°58'10" W. a distance of 19.90 feet to a point; thence leaving Armor Plate Addition running in an easterly direction with the northern right of way of Twilight Drive being 15 feet from the centerline there off, In an eastern direction 1,882 feet, more or less, to a point on the division line of William Nutter, et al, with Corotoman, Inc.; thence with the division line there off, In a northeastern direction 30 feet, more or less to a point on the south right of way of said Twilight Drive; thence with the southern right of way of Twilight Drive being 15 feet from the centerline there off, In an western direction 1,871 feet, more or less, to a point on the division line of a public alley of Armor Plate Addition with Corotoman, Inc.; thence with the division line there off, S. 11°58'10" W. a distance of 9.07 feet to a point; thence crossing the public alley, N. 78°01'50" W. a distance of 15.37 feet to a point; thence with the alley, N. 12°01'38" E. a distance of 15.25 feet to a point on the intersection with the southern right of way of Twilight Drive; thence with said right of way of Twilight Drive the following two (2) lines: 1. S. 66°15'37" W. a distance of 219.14 feet to a point; thence, 2. S. 42°47'33" W. a distance of 217.40 feet to a point at the intersection of the northern right of way line of a 15 foot wide public alley; thence with said right of way line of the alley, N. 79°19'17" E. a distance of 20.83 feet to a point; thence crossing said alley, S. 42°47'33" W. a distance of 16.80 feet to a point on the southern right for way of said alley; thence with said right of way line of the alley, S. 79°19'17" W. a distance of 20.83 feet to a point on the easterly right of way of Twilight Drive; thence with said right of way line of Twilight Drive the following five (5) lines: 1. S. 42°47'33" W. a distance of 201.54 feet to a point; thence, 2. S. 42°47'33" W. a distance of 51.16 feet to a point; thence, 3. S. 79°11'18" W. a distance of 16.26 feet to a point; thence, 4. S. 82°43'22" W. a distance of 184.90 feet to a point; thence, 5. S. 13°46'40" W. a distance of 128.18 feet to the Point of Beginning having an area of 114,937 square feet, or 2.64 acres.

2. The public right-of-way commonly known as Denton Street extending from the intersection with Main Street and extending up to A Street and Kent Hall Street, located in the 9th Ward of the City of Charleston, Kanawha County, West Virginia, more aptly described as follows:

Beginning at a point on the northerly right of way line of Denton Street the the with Main Street; thence with said right of way line of Denton Street the following fifteen (15) lines: 1. S. 51°46'48" E. a distance of 16.87 feet to a point; thence, 2. With a curve turning to the left along an arc length of 71.40 feet, having a radius of 150.76 feet, and a chord bearing of N.

89°50'36" E. and a chord length of 70.73 feet to a point; thence, 3. N. 70°26'33" E. a distance of 210.81 feet to a point; thence, 4. N. 76°34'51" E. a distance of 279.40 feet to a point at the westerly intersection with the former Frank Street; thence, 5. N. 54°52'08" E. a distance of 22.55 feet to a point at the easterly intersection with said former Frank Street; thence continuing with said right of way line of Denton Street, 6. N. 79°51'15" E. a distance of 10.00 feet to a point; thence, 7. S. 88°19'45" E. a distance of 85.80 feet to a point; thence, 8. S. 67°39'11" E. a distance of 110.74 feet to a point; thence, 9. S. 62°32'44" E. a distance of 6.29 feet to a point; thence, 10. S. 32°55'38" E. a distance of 15.18 feet to a point; thence, 11. S. 16°19'50" E. a distance of 10.39 feet to a point; thence, 12. S. 16°19'50" E. a distance of 26.18 feet to a point; thence, 13. S. 22°09'25" E. a distance of 64.46 feet to a point at the westerly intersection of the former A Street; thence, 14. S. 20°02'56" E. a distance of 31.54 feet to a point at the westerly intersection of the former A Street; thence, 15. S. 27°39'39" E. a distance of 101.77 feet to a point; thence crossing said Denton Street, S. 63°35'41" W. a distance of 33.49 feet to a point on the southerly right of way line of said Denton Street; thence with said right of way line of Denton Street the following eleven (11) lines: 1. N. 24°00'10" W. a distance of 75.00 feet to a point at the intersection with the southern right of way line of Kent Street; thence, 2. N. 19°29'28" W. a distance of 30.00 feet to a point at the intersection with the northern right of way line of Kent Street; thence, 3. N. 13°48'26" W. a distance of 96.31 feet to a point; thence, 4. N. 51°19'59" W. a distance of 19.00 feet to a point at the intersection of the southern right of way line of an alley; thence, 5. N. 54°14'08" W. a distance of 12.13 feet to a point at the intersection of the northern right of way line of an alley; thence, 6. N. 72°46'23" W. a distance of 139.07 feet to a point; thence, 7. N. 71°59'33" W. a distance of 20.17 feet to a point; thence, 8. S. 76°35'01" W. a distance of 324.77 feet to a point; thence, 9. S. 70°28'28" W. a distance of 211.97 feet to a point; thence, 10. With a curve turning to the right along an arc length of 92.88 feet, having a radius of 180.71 feet, and a chord bearing of N. 89°07'39" W. and a chord length of 91.86 feet to a point, thence, 11. N. 51°46'48" W. a distance of 23.15 feet to a point; thence crossing Denton Street, N. 38°13'12" E. a distance of 30.00 feet to the Point of Beginning and having an area of 32,341 square feet, 0.74 acres, more or less.

3. The Mayor of the City of Charleston be, and is hereby authorized and directed to execute, acknowledge and deliver a proper deed conveying to the Central West Virginia Regional Airport Authority (CWVRAA) and its successors in office, all right, title and interest in and to said real property as described in Section 1 and 2 above, for the consideration of Forty-four thousand dollars and 00/100 (\$ 44,000.00).

4. All prior ordinances, or parts of ordinances, inconsistent with this ordinance, are hereby repealed to the extent of such inconsistency.

Councilman Reishman moved to approve the Bill No. 7605. 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, Clowser, Davis, Deneault, Dodrill, 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 No. 7605 adopted.

6. Your committee on Finance has had under consideration Bill No. 7606, and reports the same to Council with the recommendation that the committee report do pass.

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 of 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.

BE IT ORDAINED BY THE CITY COUNCIL OF CHARLESTON, WEST VIRGINIA:

1. The public right-of-way commonly known as Twilight Drive extending g from the intersection with Denton Street up to the William Nutter farm, located in the 9th Ward of the City of Charleston, Kanawha County, West Virginia, more aptly described as follows:

Beginning at a point marking the intersection of Twilight Drive and Denton Street; thence crossing said right of way of Twilight Drive, N. 89°43'42" W. a distance of 30.85 feet to a point on the westerly right of way of said Twilight Drive; thence with the following five (5) lines: 1. N. 13°46'40" E. a distance of 155.99 feet to a point; thence, 2. N. 82°43'22" E. a distance of 198.03 feet to a point at the southern intersection with a previously closed street; thence with said closed street, 3. N. 60°07'03" E. a distance of 25.00 feet to a point at the northern intersection with said closed street; thence continuing with said westerly right of way of Twilight Drive, 4. N. 42°47'33" E. a distance of 468.82 feet to a point; thence, 5. N. 66°15'37" E. a distance of 265.85 feet to a point in the eastern line of Armor Plate Addition in the division line with Corotoman, Inc.; thence with said division line, S. 11°58'10" W. a distance of 19.90 feet to a point; thence leaving Armor Plate Addition running in an easterly direction with the northern right of way of Twilight Drive being 15 feet from the centerline there off, In an eastern direction 1,882 feet, more or less, to a point on the division line of William Nutter, et al, with Corotoman, Inc.; thence with the division line there off, In a northeastern direction 30 feet, more or less to a point on the south right of way of said Twilight Drive; thence with the southern right of way of Twilight Drive being 15 feet from the centerline there off, In an western direction 1,871 feet, more or less, to a point on the division line of

a public alley of Armor Plate Addition with Corotoman, Inc.; thence with the division line there off, S. 11°58'10" W. a distance of 9.07 feet to a point; thence crossing the public alley, N. 78°01'50" W. a distance of 15.37 feet to a point; thence with the alley, N. 12°01'38" E. a distance of 15.25 feet to a point on the intersection with the southern right of way of Twilight Drive; thence with said right of way of Twilight Drive the following two (2) lines: 1. S. 66°15'37" W. a distance of 219.14 feet to a point; thence, 2. S. 42°47'33" W. a distance of 217.40 feet to a point at the intersection of the northern right of way line of a 15 foot wide public alley; thence with said right of way line of the alley, N. 79°19'17" E. a distance of 20.83 feet to a point; thence crossing said alley, S. 42°47'33" W. a distance of 16.80 feet to a point on the southern right for way of said alley; thence with said right of way line of the alley, S. 79°19'17" W. a distance of 20.83 feet to a point on the easterly right of way of Twilight Drive; thence with said right of way line of Twilight Drive the following five (5) lines: 1. S. 42°47'33" W. a distance of 201.54 feet to a point; thence, 2. S. 42°47'33" W. a distance of 51.16 feet to a point; thence, 3. S. 79°11'18" W. a distance of 16.26 feet to a point; thence, 4. S. 82°43'22" W. a distance of 184.90 feet to a point; thence, 5. S. 13°46'40" W. a distance of 128.18 feet to the Point of Beginning having an area of 114,937 square feet, or 2.64 acres.

2. The public right-of-way commonly known as Denton Street extending from the intersection with Main Street and extending up to A Street and Kent Hall Street, located in the 9th Ward of the City of Charleston, Kanawha County, West Virginia, more aptly described as follows:

Beginning at a point on the northerly right of way line of Denton Street the the with Main Street; thence with said right of way line of Denton Street the following fifteen (15) lines: 1. S. 51°46'48" E. a distance of 16.87 feet to a point; thence, 2. With a curve turning to the left along an arc length of 71.40 feet, having a radius of 150.76 feet, and a chord bearing of N. 89°50'36" E. and a chord length of 70.73 feet to a point; thence, 3. N. 70°26'33" E. a distance of 210.81 feet to a point; thence, 4. N. 76°34'51" E. a distance of 279.40 feet to a point at the westerly intersection with the former Frank Street; thence, 5. N. 54°52'08" E. a distance of 22.55 feet to a point at the easterly intersection with said former Frank Street; thence continuing with said right of way line of Denton Street, 6. N. 79°51'15" E. a distance of 10.00 feet to a point; thence, 7. S. 88°19'45" E. a distance of 85.80 feet to a point; thence, 8. S. 67°39'11" E. a distance of 110.74 feet to a point; thence, 9. S. 62°32'44" E. a distance of 6.29 feet to a point; thence, 10. S. 32°55'38" E. a distance of 15.18 feet to a point; thence, 11. S. 16°19'50" E. a distance of 10.39 feet to a point; thence, 12. S. 16°19'50" E. a distance of 26.18 feet to a point; thence, 13. S. 22°09'25" E. a distance of 64.46 feet to a point at the westerly intersection of the former A Street; thence, 14. S. 20°02'56" E. a distance of 31.54 feet to a point at the westerly intersection of the former A Street; thence, 15. S.

27°39'39" E. a distance of 101.77 feet to a point; thence crossing said Denton Street, S. 63°35'41" W. a distance of 33.49 feet to a point on the southerly right of way line of said Denton Street; thence with said right of way line of Denton Street the following eleven (11) lines: 1. N. 24°00'10" W. a distance of 75.00 feet to a point at the intersection with the southern right of way line of Kent Street; thence, 2. N. 19°29'28" W. a distance of 30.00 feet to a point at the intersection with the northern right of way line of Kent Street; thence, 3. N. 13°48'26" W. a distance of 96.31 feet to a point; thence, 4. N. 51°19'59" W. a distance of 19.00 feet to a point at the intersection of the southern right of way line of an alley; thence, 5. N. 54°14'08" W. a distance of 12.13 feet to a point at the intersection of the northern right of way line of an alley; thence, 6. N. 72°46'23" W. a distance of 139.07 feet to a point; thence, 7. N. 71°59'33" W. a distance of 20.17 feet to a point; thence, 8. S. 76°35'01" W. a distance of 324.77 feet to a point; thence, 9. S. 70°28'28" W. a distance of 211.97 feet to a point; thence, 10. With a curve turning to the right along an arc length of 92.88 feet, having a radius of 180.71 feet, and a chord bearing of N. 89°07'39" W. and a chord length of 91.86 feet to a point, thence, 11. N. 51°46'48" W. a distance of 23.15 feet to a point; thence crossing Denton Street, N. 38°13'12" E. a distance of 30.00 feet to the Point of Beginning and having an area of 32,341 square feet, 0.74 acres, more or less.

3. The Mayor of the City of Charleston be, and is hereby authorized and directed to execute, acknowledge and deliver a proper deed conveying to the Central West Virginia Regional Airport Authority (CWVRAA) and its successors in office, all right, title and interest in and to said real property as described in Section 1 and 2 above, for the consideration of Forty-four thousand dollars and 00/100 (\$ 44,000.00).

4. All prior ordinances, or parts of ordinances, inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

Councilman Reishman moved to approve the Bill No. 7606. 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, Clowser, Davis, Deneault, Dodrill, 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 No. 7606 adopted.

REPORTS OF OFFICERS

1. Report of the City of Charleston Municipal Court Financial Statements; November 2013.
Received and Filed.
2. Report of the City of Charleston Payroll Variance Analysis; October 2013.
Received and Filed.

NEW BILLS

1. Introduced by Council Member Robert Sheets on December 2, 2013:
Bill No. 7609- A Bill to establish one metered handicapped parking space on the southerly side of Virginia Street, East from a point 82' east of McFarland Street to a point 104' east of McFarland Street
Referred to the Streets and Traffic Committee.

ADJOURNMENT

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

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

ABSENT: Ealy, Russell, Snodgrass

At 7:41 p.m., by a motion from Councilmember Harrison, Council adjourned until Monday, December 16, 2013, at 7:00 p.m., in the Council Chamber in City Hall.

Danny Jones, Honorable Mayor

James M. Reishman, City Clerk