

**JOURNAL  
OF THE  
COUNCIL  
CITY OF CHARLESTON  
WEST VIRGINIA  
MARCH 1, 2010**

**THE COUNCIL MET IN CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE FIRST MEETING IN THE MONTH OF MARCH ON THE 1<sup>ST</sup> 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 TALKINGTON.**

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

**CLOWSER  
DENEALT  
HANNA  
HIGGINS  
KNAUFF  
PAYNE  
RUSSELL  
SMITH  
WEINTRAUB**

**DAVIS  
EALY  
HARRIS  
JONES  
  
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. Dan Vriendt – Planning Annual Report

## **COMMUNICATIONS**

The Clerk read the Proclamation:

**EXECUTIVE DEPARTMENT  
CITY OF CHARLESTON  
PROCLAMATION  
By the Mayor**

**WHEREAS:** Multiple Sclerosis (MS) is a chronic, often disabling disease of the central nervous system that effects approximately 4,000 people in West Virginia and 400 people in the City of Charleston and surrounding county; and

**WHEREAS:** Most people with MS are diagnosed between the ages of 15 and 50 but the unpredictable physical and emotional effects can be life-long. The progress, severity and specific symptoms of MS in any one person cannot yet be predicted but advances in research and treatment are giving hope to those affected by the disease; and

**WHEREAS:** Studies show that early and ongoing treatment with an FDA-approved therapy can reduce future disease activity and improve the quality of life for many people with MS; and

**WHEREAS:** MS is a disease that not only affects the person with the condition but also greatly impacts family, friends, and the community; and

**WHEREAS:** The exact cause of MS is still unknown and there is no known cure; and

**WHEREAS:** The symptoms of MS may be mild such as numbness in the limbs, or severe, such as paralysis or loss of vision; and

**WHEREAS:** Every hour of every day someone is newly diagnosed with MS; and

**WHEREAS:** The National MS Society envisions a world free of MS; and

**WHEREAS:** The Blue Ridge Chapter of the National MS Society provides programs and services to address the challenges of everyone affected by MS; and

**NOW THEREFORE, I, Danny Jones, Mayor of the City of Charleston, do hereby proclaim March 8-14, 2010 as**

## **MULTIPLE SCLEROSIS AWARENESS WEEK**

in Charleston, West Virginia, and encourage all citizens to learn more about this disease and their neighbors affected by it.

**IN WITNESS WHEREOF, I have set my hand and caused the Seal of the Executive Department to be affixed this 1st day of March 2010.**

**DANNY JONES, MAYOR**

The Clerk read the appointment:

**TO: JAMES REISHMAN  
CITY CLERK**

**FROM: DANNY JONES  
MAYOR**

**RE: CHARLESTON SANITARY BOARD**

**DATE: MARCH 1, 2010**

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I recommend that Sam Bowling, 1344 Morningside Drive, Charleston, WV 25314, be reappointed to the Charleston Sanitary Board, with a said term to expire March 17, 2013.

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

DJ/dmp

Council approved the appointment.

#### **PLANNING**

Councilperson Davis, Chair of the Council Committee on Planning, submitted the following reports.

1. Your Committee on Planning has had under consideration Bill No. 7413, and reports the same to Council with the recommendation that the committee that the Bill do pass as a Committee Substitute, but first be referred to the Council Committee on Finance. The Mayor referred the Bill to Finance.
2. Your Committee on Planning has had under consideration Bill No. 7414, and reports the same to Council with the recommendation that the committee that the Bill do pass as a Committee Substitute.

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", and "Automotive Rental or Leasing" a permitted use in the C-8 Village Commercial District.

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

The Zoning Ordinance for the City of Charleston, West Virginia, effective November 21, 2005, is hereby amended as follows:

LAND USE	R-2	R-4	R-6	R-8	R-10	R-O	C-4	C-8	C-10	C-12	CB D	UC D	PM C	I-2	I-4	PU D	SUP P.
<i>Automobile Rental or Leasing Establishment</i>								<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>					14
<i>Automobile Retail Sales Establishment</i>								<i>P</i>	<i>P</i>	<i>P</i>							14
<i>Automobile Washing or Polishing Establishment</i>								<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>		<i>P</i>			14
<i>Automotive Parts, Supplies, or Accessories</i>								<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>				14
<i>Automotive Repair Establishment</i>								<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>		<i>P</i>			14
<i>Automotive Wrecker Service</i>									<i>P</i>	<i>P</i>				<i>P</i>			34

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

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, Hanna, Higgins, Harrison, Harris, Jones, Kirk, Knauff, Miller, Payne, Reed, Reishman, Russell, Salisbury, Sheets, Smith, Talkington, Ware, Weintraub, White, Mayor Jones.

ABSENT: Lane,

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill 7414, committee substitute adopted.

**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 715-10, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 715-10 \_\_\_\_\_: “Authorizing the Mayor to sign and submit Community Participation Program grant information sheets and all related documents for two agencies.”

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

That the Mayor is hereby authorized and directed to sign and submit Community Participation Program grant information sheets and all related documents for the following two agencies:

Alzheimer’s Association	10LEDA0160	\$10,000
Charleston West Side Main Street	10LEDA0046	\$20,000



federal matching funds are as follows:

City of Charleston .....	\$ 50,000
CURA .....	\$253,575
Private Contributions Received by CADCO Foundation .....	\$436,683
Private Pledges yet to be collected .....	<u>\$258,283</u>
Total	\$998,541

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 717-10, adopted.

4. Your Committee on Finance has had under consideration Resolution No 718-10, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 718-10: “Authorizing the Mayor to sign Change Order No. 1 with Komax Business Systems providing for leasing of a wide format printer/copier to be added to the City’s current master lease agreement for printer/copier equipment, approved by Council on April 2, 2007.”

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 Komax Business Systems providing for leasing of a wide format printer/copier to be added to the City’s current master lease agreement for printer/copier equipment, approved by Council on April 2, 2007. The new equipment will be used by the Building Department and adds approximately \$538.00 per month to the Agreement.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 718-10, adopted.

5. Your Committee on Finance has had under consideration Resolution No 719-10, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 719-10: “Authorizing the Mayor to enter into a renewal contract with Commercial Insurance Services and Arthur J. Gallagher Risk Management Services, Inc., and Alternative Service Concepts, LLC, at a price of \$1,208,931.45, for the City’s Risk Management and Property and Casualty Insurance coverage for the period March 31, 2010 through March 31, 2011, in accordance to the costs attached, and specifically by rejecting all underinsured motorists coverage and accepting uninsured motorists coverage with statutory minimum limits of \$20,000/\$40,000/\$10,000 only; and further authorizing the Mayor to sign the appropriate forms rejecting the underinsured motorists coverage and accepting the uninsured motorists coverage.”

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

That the Mayor is hereby authorized and directed to enter into a renewal contract with Commercial Insurance Services and Arthur J. Gallagher Risk Management Services, Inc., and Alternative Service Concepts, LLC, at a price of \$1,208,931.45, for the City's Risk Management and Property and Casualty Insurance coverage for the period March 31, 2010 through March 31, 2011, in accordance to the costs attached, and specifically by rejecting all underinsured motorists coverage and accepting uninsured motorists coverage with statutory minimum limits of \$20,000/\$40,000/\$10,000 only; and further authorizing the Mayor to sign the appropriate forms rejecting the underinsured motorists coverage and accepting the uninsured motorists coverage.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 719-10, adopted. Deitzler - No

6. Your committee on Finance has had under consideration a proposal submitted by General Truck Sales for purchase of a 2010 GMC long-bed 2x4 pickup truck, in the amount of \$17,845, to be used by City Manager-Construction crew. The truck replaces a 2000 Chevrolet Impala. To be charged to Account No. 001-977-50-412-4-459, City Manager—Construction, Capital Outlay, Equipment (Chase Equipment Finance Lease Purchase Escrow Account, Schedule No. 1000133565) , 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 proposal submitted by Microception, Inc., in the amount of \$24,272, for purchase of an Interview Room Recording System to be used by MDENT. To be charged to Account No. 094-000-07-000-3-341, Police—2006 COPS Meth 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.

8. Your Committee on Finance has had under consideration Bill No. 7413, Committee Substitute, and reports the same to Council with the recommendation that the bill do pass as a Committee Substitute.

Bill No. 7413 closing, abandoning and vacating a portion of an alley beginning at 56<sup>th</sup> 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 57<sup>th</sup> Street.

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

1. A portion of the alley located in Block 200, at 56<sup>th</sup> Street and extending in an easterly direction approximately 156.64 feet into Block 200, of the Kanawha City District of the City of Charleston, Kanawha County, West Virginia, containing a total of approximately 2,506.25 square feet, is to be hereafter abandoned, vacated and closed by the City of Charleston. The remainder of the Block 200 alley extending from the proposed terminus of the portion of the alley being closed in an easterly direction approximately 253.82 feet to 57<sup>th</sup> Street will remain an open public alley. The portion of the alley to be closed is described below and depicted on that certain "Plat of Proposed Alley Closure & Turnaround Dedication, A Portion of Block 200 of Kanawha City for HHA, Inc. & Highland Hospital Association, Charleston, West Virginia," by Earnest M. McCarty, Jr., Professional Surveyor, WV License No. 1001, and attached hereto as Exhibit A:

A portion of the 16' wide alley dividing Block 200 of Kanawha City, in the City of Charleston, West Virginia, being the northwesterly 156.64 feet of said alley starting at 56<sup>th</sup> Street, and being more particularly described as follows:

Commencing from the northwestern corner of said Block 200 of Kanawha City, said point located at the Southeastern intersection of 56<sup>th</sup> Street and MacCorkle Avenue; thence with the said right-of-way line of 56<sup>th</sup> Street North 36° 31' 24" East for 150.00' to a point where the said southern right-of-way for the said alley intersects the 56<sup>th</sup> Street right-of-way being the Point of Beginning for this survey; thence running with the southern right-of-way line of the alley, South 53° 28' 36" East for a distance of 156.64 feet to a point on the southern right-of-way line of the said alley; thence crossing the said alley, North 36° 31' 24" East for a distance of 16.00 feet to a point on the northern right-of-way line of the said alley; thence running with the northern line of the said alley, North 53° 28' 36" West for a distance of 156.64 feet to point where the northern right-of-way line of the alley intersects the eastern right-of-way line of 56<sup>th</sup> Street; thence, with the eastern right-of-way line of 56<sup>th</sup> Street, South 36° 31' 24" West for a distance of 16.00 feet to the POINT OF BEGINNING, containing 2,506.25 sq. ft., more or less.

2. The above-described portion of the alley extending from 56<sup>th</sup> Street 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 alley to HHA, Inc., an adjacent property owner, within a reasonable time of passage of this ordinance for the below-described consideration. The remainder of said Block 200 alley extending to 57<sup>th</sup> Street is to remain an open public alley.

3. The consideration for such closure, abandonment and vacation of the portion of the alley extending 156.64 feet from 56<sup>th</sup> Street into said Block 200 is, in part, the dedication of an easement by Highland Hospital Association, Inc., of a turnaround area in the southern portion of Lot 4 to benefit the public by allowing more efficient

means of ingress and egress over the remaining open alley to 57<sup>th</sup> Street, as is described below, and, in part, payment from HHA, Inc., to the City of Charleston monetary consideration in the amount of \$3,166.25.

4. Highland Hospital Association, Inc., a subsidiary of HHA, Inc., will dedicate to the City an easement for a turnaround connected to the remaining open portion of the Block 200 alley over the southern portion of Lot 4 of Block 200, totaling approximately 479.82 square feet, as described below and on that certain "Plat of Proposed Alley Closure & Turnaround Dedication, A Portion of Block 200 of Kanawha City for HHA, Inc. & Highland Hospital Association, Charleston, West Virginia," by Earnest M. McCarty, Jr., Professional Surveyor, WV License No. 1001, and attached hereto as Exhibit A:

A portion of the Highland Hospital Association, Inc., property in Block 200 of Kanawha City in the City of Charleston, West Virginia, being located in the rear of Lot 4 of said Block 200 and being a portion of the property held by the Highland Hospital Association, Inc., of record in Deed Book 1304, at page 151, and graphically shown as Parcel 23 on Tax Map 10 in the Kanawha City District of the City of Charleston, Kanawha County, West Virginia. The said portion of property being a portion bordering the said alley for Block 200 and to be dedicated for the purpose of a turnaround for the said alley. The said tract of land being more particularly described as follows:

Commencing from the northwestern corner of said Block 200 of Kanawha City, said point located at the Southeastern intersection of 56<sup>th</sup> Street and MacCorkle Avenue; thence with the said right-of-way line of 56<sup>th</sup> Street North 36° 31' 24" East for 166.00' to a point where the said northern alley right-of-way intersect 56<sup>th</sup> Street right-of-way; thence with the said northern right-of-way for the said alley, South 53° 28' 36" East for a distance of 156.64 feet to a being the Point of Beginning for this survey; thence running across the parent parcel with a new line, North 66° 43' 35" East for a distance of 17.97 feet to a point being the approximate northwest corner of the proposed alley turnaround; thence continuing across the parent parcel with a new line, South 53° 17' 17" East for a distance of 21.00 feet to a point being the approximate northeast corner of the proposed alley turnaround; thence continuing across the parent parcel with a new line, South 01° 37' 26" West for a distance of 18.85 feet to a point on the northern line of the original alley; thence running with the original northern line of the said alley, North 53° 28' 36" West for a distance of 40.82 feet to the POINT OF BEGINNING, containing 479.82 sq. ft., more or less.

5. Highland Hospital Association, Inc., will execute a deed of easement for the turnaround area to the City of Charleston, and the City of Charleston will accept dedication of said easement for the benefit of the public in and to the above-described turnaround area, within a reasonable time of the passage of this ordinance.

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

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, Hanna, Higgins, Harrison, Harris, Jones, Kirk, Knauff, Miller, Payne, Reed, Reishman, Russell, Salisbury, Sheets, Smith, Talkington, Ware, Weintraub, White, Mayor Jones.

ABSENT: Lane

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill 7413, committee substitute adopted.

### **REPORTS OF OFFICERS**

1. Report of the City of Charleston Payroll Variance Analysis; January 2010; Received and Filed.

### **ROLL CALL**

The Clerk called the roll and the following members were in attendance:

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

ABSENT: Lane

At 7:35 p.m., by a motion from Councilmember Harrison, Council adjourned until Monday, March 15, 2010, at 7:00 p.m.

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Danny Jones, Honorable Mayor

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James M. Reishman, City Clerk