

JOURNAL
OF THE
COUNCIL
CITY OF CHARLESTON
WEST VIRGINIA

June 21, 2005

THE COUNCIL MET IN CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE SECOND MEETING IN THE MONTH OF JUNE ON THE 21st DAY, IN THE YEAR 2005, AND WAS CALLED TO ORDER BY THE HONORABLE MAYOR, DANNY JONES. THE INVOCATION WAS DELIVERED JACK HARRISON, AND THE PLEDGE OF ALLEGIANCE WAS LED BY MARY JEAN DAVIS.

THE CLERK CALLED THE ROLL AND THE FOLLOWING MEMBERS ANSWERED TO THEIR NAMES:

CHESTNUT	CLOWSER	DAVIS
DEITZLER	EALY	HALL
HARRIS	HARRISON	HIGGINS
JONES	LOEB	
LANHAM	LANE	MILLER
MONROE	MARKHAM	
NIELSEN	REED	
ROBERTSON	SADD	TALKINGTON
WARE		
MAYOR JONES		

TWENTY- THREE 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.

June 21, 2005, SECOND MEETING

PUBLIC SPEAKERS

CLAIMS

1. A claim of Dian White, 137 Oakwood Estates., Scott Depot, WV; alleges personal injury.
Refer to City Solicitor.
2. A claim of John Taylor, 1223 Edgewood Dr., Charleston, WV; alleges damage to vehicle.
Refer to City Solicitor.
3. A claim of Lori Goins, 4402 Planters Dr., Malden, WV; alleges damage to vehicle.
Refer to City Solicitor.
4. A claim of Margaret Wilkinson, 821 Spring Rd., Charleston, WV; alleges damage to vehicle.
Refer to City Solicitor.

COMMUNICATIONS

The Clerk read the following appointments:

To: James Reishman, City Clerk

From: Danny Jones, Mayor

Re: Charleston Human Rights Commission

I am informing City Council that I have appointed Marion Delores Johnson, 900 Edwards Street, Charleston, WV, be appointed to the Charleston Human Rights Commission, with said term to expire June 30, 2008. Marion Delores Johnson is replacing Jon Jones.

I respectfully request Council's approval of this recommendation.

Council approved the appointment.

To: James Reishman, City Clerk

From: Danny Jones, Mayor

Re: Charleston Human Rights Commission

I am informing City Council that I have appointed Jim Harris, 213 McKee Avenue, Charleston, WV, be appointed to the Charleston Human Rights Commission, with said term to expire June 30, 2008.

I respectfully request Council's approval of this recommendation.

Council approved the appointment.

The Clerk read the following communication:

Honorable Danny Jones and
City council Members
Charleston, West Virginia 25301

Dear Major Jones and Councilmember's:

On June 8, 2005, the Municipal Planning Commission held public hearing and its regular monthly meetings. The following case should be referred to the council Committee on Planning.

Special Permit # 1205 – Application of Cary Huffman requesting permission to establish a restaurant serving beer and wine in a C-4 zoning district located at 1038 Bridge Road.

Bill # 7126, Committee Substitute – A Bill adopting rules and procedures for the City of Charleston municipal Planning Commission pursuant to Section 8A-2-aa of the State Code, Section 90-36 of the Charleston City Code and Section 26-5 of the Zoning Ordinance.

Sincerely,
Municipal Planning Commission
Phyllis White, Administrative Assistant

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

MISCELLANEOUS RESOLUTIONS

None.

REPORTS OF STANDING COMMITTEES

FINANCE

Councilman Charlie Loeb, Vice Chairman of the Council Committee on Finance, submitted the following reports.

1. Your Committee on Finance has had under consideration Resolution No. 849-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 849-05 : “Authorizing the Mayor to enter into a Grant Contract Agreement with the West Virginia Division of Criminal Justice Services to receive and administer grant funds in the amount of \$57,718 for the purpose of enhancing and continuing the Kanawha County STOP Team to improve the criminal justice system’s response to violence against women.”

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 grant contract Agreement with the West Virginia Division of Criminal Justice Services to receive and administer grant funds in the amount of Fifty-seven Thousand Seven Hundred Eighteen Dollars (\$57,718) for the purpose of enhancing and continuing the Kanawha County STOP Team to improve the criminal justice system’s response to violence against women.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 849-05, adopted.

2. Your Committee on Finance has had under consideration Resolution No. 850-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 850-05 : “Authorizing the Finance Director to establish a new fund to be known as Fund 221 – City Service Fee Capital Projects Fund, to provide the basis for the accountability of City Service Fee resources received from the General Fund for the express purpose of paving and street maintenance. The monies may be invested with the earnings retained by the fund.”

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

That the Finance Director is hereby authorized and directed to establish a new fund to be known as Fund 221 – City Service Fee Capital Projects Fund, to provide the basis for the accountability of City Service Fee resources received from the General Fund for the express purpose of paving and street maintenance. The monies may be invested with the earnings retained by the fund.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-23, nays-0, absent-5, as follows:

YEAS: Chestnut, Clowser, Davis, Deitzler, Ealy, Hall, Harris, Harrison, Higgins, Jones, Lane, Lanham, Loeb, Markham, Miller, Monroe, Morton, Nielsen, Reed, Robertson, Sadd, Talkington, Ware, Mayor Jones.

NAYS:

ABSENT: Hanna, Morton, Reishman, Weintraub, White.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 850-05, adopted.

3. Your Committee on Finance has had under consideration Resolution No. 820-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 820-05 : “Amending Resolution No. 820-05 and the contract with Electronic Specialty Co. for the CCTV Surveillance Alarm System at City Hall, approved by City Council on May 16, 2005, by increasing the price of the contract from \$123,420 to \$124,020. The increase in cost was due to an error in the overall accounting of the equipment to be purchased for the new system.”

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

That amending Resolution No. 820-05 and the contract with Electronic Specialty Co. for the CCTV Surveillance Alarm System at City Hall, approved by City Council on May 16, 2005, by increasing the price of the contract from \$123,420 to \$124,020, is hereby approved. The increase in cost was due to an error in the overall accounting of the equipment to be purchased for the new system.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 820-05, adopted.

4. Your Committee on Finance has had under consideration Bill No. 7155, and reports the same to Council with the recommendation that the committee report be adopted.

Bill No. 7155 - - A Bill authorizing and directing the Mayor of the City of Charleston to purchase private property located in a flood prone area, pursuant to the Hazard Mitigation Grant that was awarded to the City of Charleston through the State Office of Emergency Services, for the purposes of demolishing the structures located on the properties and restricting the use of said properties to be only for the purposes compatible with flood prone property.

WHEREAS, the City Council of the City of Charleston, West Virginia adopted Resolution No. 441-04 on January 5, 2004, wherein it authorized the Mayor to apply for a

Hazard Mitigation Grant, for the acquisition of four structures located in the flood prone area along Magazine Branch running adjacent to Garrison Avenue for the purposes of demolishing said structures on said properties;

WHEREAS, the City of Charleston has negotiated with the property owners a purchase price based on the fair market value of the properties totaling \$339,678.00 for the properties located at 263 Garrison Avenue, 247 Garrison Avenue, 249 Garrison Avenue and 308 Garrison Avenue, said properties more specifically described as West Charleston Tax District Map 7 parcels 184, 179.2, 179 and North Charleston Tax District Map 39 parcel 85.

Be it Ordained by the Council of the City of Charleston, West Virginia That the Mayor of the City of Charleston will purchase private property located in the flood prone area along Magazine Branch, pursuant to the Hazard Mitigation Grant that was awarded to the City through the State Office of Emergency Services, for the purposes of demolishing structures located on the property and restricting the use of said property to be only for purposes compatible with flood prone property.

The question being on the passage of the Bill a roll call was taken and there were; yeas-23, nays-0, absent-5, as follows:

YEAS: Chestnut, Clowser, Davis, Deitzler, Ealy, Hall, Harris, Harrison, Higgins, Jones, Lane, Lanham, Loeb, Markham, Miller, Monroe, Morton, Nielsen, Reed, Robertson, Sadd, Talkington, Ware, Mayor Jones.

NAYS:

ABSENT: Hanna, Morton, Reishman, Weintraub, White.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7155, adopted.

5. Your Committee on Finance has had under consideration a Payment of an invoice from Royal Jeep, Subaru and Suzuki, in the amount of \$20,454.75, for repair of Police Units 201 and 212 that were damaged in separate accidents. To be charged to Account No. 001-700-00-000-2-217, Police – Maintenance & Repairs, Vehicles, and reports the same to Council with the recommendation that the committee report be adopted.

The question being on the adoption of the committee report a vote was taken. There being no dissent the Mayor declared the committee report adopted by a unanimous vote.

REPORTS OF OFFICERS

1. City Treasurer's Report to City Council Month Ending April, 2005; Received and Filed.
2. City Treasurer's Report to City Council Month Ending May, 2005;

Received and Filed.

3. Report of the City of Charleston Financial Statements for the Eleven- Month period ended May 31, 2005.

Received and Filed.

NEW BILLS INTRODUCED

Introduced by Councilman Charlie Loeb, on June 21, 2005:

Bill No. 7151 - A Bill amending and reenacting §110-223 and §110-252, of the City Code of the City of Charleston, 2003, as amended; all relating to hotel occupancy tax.

The rate of tax imposed in this division shall be six percent of the consideration paid for the use or occupancy of a hotel room. Such consideration shall not include the amount of tax imposed on the transaction under W. Va. Code ch. 11, art. 15 (W. Va. Code § 11-15-1 et seq.) or charges for meals, valet service, room service, telephone service, or other charges or consideration not paid for use or occupancy of a hotel room. This Ordinance shall take effect immediately following passage by City Council with a vote in the affirmative from three-fifths of its members elected.

Refer to Finance Committee.

ROLL CALL

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

YEAS: Chestnut, Clowser, Davis, Deitzler, Ealy, Hall, Harris, Harrison, Higgins, Jones, Lane, Lanham, Loeb, Markham, Miller, Monroe, Nielsen, Reed, Robertson, Sadd, Talkington, Ware, Mayor Jones.

ABSENT: Hanna, Morton, Reishman, Weintraub, White.

At 7:40 p.m., on motion of Councilman Loeb, Council adjourned until Tuesday, July 5, 2005, at 7:00 p.m.

Danny Jones, Honorable Mayor

James M. Reishman, City Clerk