

**JOURNAL  
OF THE  
COUNCIL  
CITY OF CHARLESTON  
WEST VIRGINIA  
AUGUST 3, 2009**

**THE COUNCIL MET IN CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE FIRST MEETING IN THE MONTH OF AUGUST ON THE 3<sup>rd</sup> DAY, IN THE YEAR 2009, 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 HIGGINS.**

<b>DEITZLER HALL HARRISON KIRK</b>	<b>CLOWSER DENEALT HANNA HIGGINS KNAUFF</b>	<b>DAVIS EALY HARRIS JONES</b>
<b>REISHMAN SHEETS WARE MAYOR JONES</b>	<b>RUSSELL SMITH WEINTRAUB</b>	<b>REED SALISBURY TALKINGTON WHITE</b>

**TWENTY- FOUR 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**

Reverend Darin Freeman, Metropolitan CDC  
Amy Weintraub, Covenant House & Kanawha Valley Collective  
Beth Kerns, President Board of Directors, East End Family Resource Center

## **CLAIMS**

1. A claim of Kimberly Beller, 170 Shawnee Estates, Winfield, WV; alleges damage to property.

Refer to City Solicitor

2. A claim of Judy Connard, 3122 Maple St., Shrewsbury, WV; alleges damage to vehicle.

Refer to City Solicitor

*The Clerk read the Appointment:*

TO: JAMES REISHMAN  
CITY CLERK

FROM: DANNY JONES  
MAYOR

RE: KANAWHA-CHARLESTON BOARD OF HEALTH

DATE: AUGUST 3, 2009

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I recommend that James Strawn, 119 Sheridan Circle, Charleston, WV 25314, be reappointed to the Kanawha-Charleston Board of Health, with a said term to expire June 30, 2014.

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

Council approved the appointment.

## **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 620-09, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 620-09: "Authorizing the Finance Director to amend the 2009-2010 General Fund budget as indicated on the attached list of accounts."

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

That the Finance Director is hereby authorized and directed to amend the 2009-2010 General Fund budget as indicated on the attached list of accounts.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-24, absent -4, as follows:

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

ABSENT: Burton, Lane, Miller, Payne

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 620-09, adopted.

2. Your Committee on Finance has had under consideration Resolution No 621-09, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 621-09: "Authorizing the Finance Director to amend the 2009-2010 Civic Center budget as indicated on the attached list of accounts."

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

That the Finance Director is hereby authorized and directed to amend the 2009-2010 Civic Center budget as indicated on the attached list of accounts.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-24, absent -4, as follows:

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

ABSENT: Burton, Lane, Miller, Payne

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 621-09, adopted

3. Your Committee on Finance has had under consideration Resolution No 622-09, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 622-09: "Authorizing the Mayor to sign the grant contract agreement with the West Virginia Division of Criminal Justice Services to receive the Enforcing Underage Drinking grant from the United States Department of Justice in the amount of \$14,500. The grant funds will be used for collaboration of the Charleston Police Department, Kanawha County Board of Education and the Kanawha County Prosecutor's Office to provide the City of Charleston with aggressive underage drinking

law enforcement and preventive education.”

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

That the Mayor is hereby authorized and directed to sign the grant contract agreement with the West Virginia Division of Criminal Justice Services to receive the Enforcing Underage Drinking grant from the United States Department of Justice in the amount of \$14,500. The grant funds will be used for collaboration of the Charleston Police Department, Kanawha County Board of Education and the Kanawha County Prosecutor’s Office to provide the City of Charleston with aggressive underage drinking law enforcement and preventive education.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 622-09, adopted.

4. Your Committee on Finance has had under consideration Resolution No 623-09, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 623-09: “Authorizing the Mayor to enter into an Agreement with Interboro Packaging for purchase of black plastic refuse bags in the amount of \$104,160, with the Town of Marmet being responsible for \$5,952 of said sum for 120,000 bags; and Clear Yard Waste Bags in the amount of \$30,858.26, for a total of \$135,018.26. The bags, not otherwise purchased by Marmet, will be distributed to the citizens of Charleston starting on September 28, 2009.”

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

That the Mayor is hereby authorized and directed to enter into an Agreement with Interboro Packaging for purchase of black plastic refuse bags in the amount of \$104,160, with the Town of Marmet being responsible for \$5,952 of said sum for 120,000 bags; and Clear Yard Waste Bags in the amount of \$30,858.26, for a total of \$135,018.26. The bags, not otherwise purchased by Marmet, will be distributed to the citizens of Charleston starting on September 28, 2009.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 623-09, adopted. Weintraub- No

5. Your Committee on Finance has had under consideration Resolution No 624-09, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 624-09: “Authorizing the Mayor to apply for the FY 2009 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 is hereby authorized and directed to apply for the FY 2009 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.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 624-09, adopted.

6. Your Committee on Finance has had under consideration Resolution No 625-09, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 625-09: “Authorizing the City Manager to sign an amendment to the Joint Use Agreement No. 657-0120 with the West Virginia Department of Transportation, Division of Highways, for use of an additional parcel of property at the Washington Street Bypass referred to as “Lease Area Parcel 2” in accordance with the terms and conditions of the Joint Use Agreement dated August 22, 1990.”

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

That the City Manager is hereby authorized and directed to sign an amendment to the Joint Use Agreement No. 657-0120 with the West Virginia Department of Transportation, Division of Highways, for use of an additional parcel of property at the Washington Street Bypass referred to as “Lease Area Parcel 2” in accordance with the terms and conditions of the Joint Use Agreement dated August 22, 1990.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 625-09, adopted.

7. Your Committee on Finance has had under consideration Resolution No 627-09, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 627-09: “Authorizing the Mayor to sign Change Order No. 1 with Orders Construction Company for changes in the scope of services for the Gateway Greenspace project. The services provided through Change Order No. 1 will not increase the overall project costs.”



The question being on the adoption of the Resolution a roll call was taken and there were; yeas-23, absent -4, abstain – 1, as follows:

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

ABSENT: Burton, Lane, Miller, Payne

ABSTAIN: Weintraub

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 628-09, adopted

## **REPORTS OF OFFICERS**

1. Report of the City of Charleston Payroll Variance Analysis; June 2009.  
Received and Filed.

## **NEW BILLS**

Introduced by Council Member Mary Jean Davis on August 3, 2009:

Bill No. 7394 – a Bill amending the Zoning Ordinance for the City of Charleston, West Virginia, adopted November 21, 2005 in order to make corrective additions and deletions.

Refer to Municipal Planning Commission

Introduced by Council Member David Higgins on August 3, 2009:

Bill No. 7395-A BILL to amend Chapter 114, Article VII, Section 114-622 of the Municipal Code of the City of Charleston for the purpose of amending per hour parking fees in the downtown area.

Refer to Streets and Traffic Committee

Introduced by Council Member David Higgins and Jack Harrison on August 3, 2009:

Bill No. 7396: A BILL to amend Chapter 10, Article IV, Section 10-171 of the Municipal Code of the City of Charleston for the purpose of revising regulations governing the City's urban deer hunt conditions decreasing the number of contiguous acres necessary for designation as a hunting tract, and updating the penalties for non-compliance with the requirements of this Section.

Refer to Ordinance and Rules Committee

## **ROLL CALL**

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

The question being on the passage of the Bill a roll call was taken and there were; yeas-24, absent -4, as follows:

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

ABSENT: Burton, Lane, Miller, Payne

At 8:00 p.m., by a motion from Councilmember Harrison, Council adjourned until Monday, August 17, 2009, at 7:00 p.m.

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Danny Jones, Honorable Mayor

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James M. Reishman, City Clerk

