

**JOURNAL
OF THE
COUNCIL
CITY OF CHARLESTON**

WEST VIRGINIA

May 2, 2011

THE COUNCIL MET IN CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE FIRST MEETING IN THE MONTH OF MAY ON THE 2nd DAY, IN THE YEAR 2011, AND WAS CALLED TO ORDER BY THE HONORABLE MAYOR, DANNY JONES. THE INVOCATION WAS DELIVERED BY DEITZLER AND THE PLEDGE OF ALLEGIANCE WAS LED BY HIGGINS.

**BURKA
DEITZLER
HALL
HARRISON
KIRK
MILLER
REISHMAN
SHEETS**

**DENEALT
HANNA
HIGGINS
KNAUFF
PAYNE
RUSSELL
SMITH**

**DAVIS
EALY
HARRIS
JONES
LANE
REED
TALKINGTON
WHITE**

MAYOR JONES

WITH 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

Brian King - MOECD

CLAIMS

A claim of Joel Miller, 4214 Noyes Avenue, Charleston, WV;
alleges damage to vehicle.
Refer to City Solicitor

A claim of Mindy Johnson, 1037 Ben Road, Charleston, WV;
alleges personal injury.
Refer to City Solicitor

A claim of Vipin Madan, 5130 MacCorkle Ave., Charleston, WV;
alleges damage to property.
Refer to City Solicitor

A claim of Pamela Dickerscheid, 1028 Forest Road, Charleston, WV;
alleges damage to vehicle.
Refer to City Solicitor

A claim of Kimberly LaCount, 1257 Ridge Dr., South Charleston, WV;
alleges personal injury.
Refer to City Solicitor

MISCELLANEOUS RESOLUTIONS

Resolution No. 952-11

Introduced in Council

May 2, 2011

John Miller, Mary Jean Davis, Lewis Payne, Will Hanna, Jack Harrison

WHEREAS: With 13 of 16 team members qualifying for the WVSSAC State Swimming Championships, George Washington High School's boys swimming team was poised to build on its 2009 state championship and state runner-up finish in 2010; and

WHEREAS: This year's GW Patriot team dominated the State Championship meet with a total of 222 points – nine points short of the all-time WVSSAC team record – and far ahead of second place Bridgeport's score of 148; and

WHEREAS: Led by Head Coach Melissa Case, GW swimmers won five of the 11 championship events at the WVU Natatorium with several others scoring points by finishing in the top 12; and

WHEREAS: GW's individual state champion swimmers included senior Thomas Moore, who won the 200 individual medley and broke the state record in winning the 100 breaststroke, and freshman Chris Kay who won the 100 backstroke; and

WHEREAS: GW's state champion relay teams included the 200 medley relay team of Thomas Moore, Michael Lynch, Jacob Nason and Ross Davis as well as the 400-yard freestyle relay swum by Thomas Moore, Michael Case, Michael Lynch and Ross Davis; and

WHEREAS: With two West Virginia State Championships and one second place finish over the past three years, the seniors and juniors on GW High School's state championship team this year stand as the most accomplished and winningest group of swimmers in the history of the school.

Therefore be it resolved by The Council and Mayor
of The City of Charleston, West Virginia:

That we, the elected leaders of Charleston, congratulate the players and coaches of George Washington High School's Boys Swim team for winning the West Virginia Swimming Championship in 2011 and commend them for all of their accomplishments as outstanding student athletes.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 952-11, adopted.

Resolution No. 953-11

Introduced in Council

May 2, 2011

John Miller, Mary Jean Davis, Lewis Payne, Will Hanna, Jack Harrison

WHEREAS: The George Washington High School Boys Basketball team won 14 games in a row and tied a school record with 25 victories in the 2010-2011 season; and

WHEREAS: After winning the MSAC championship, Head Coach Rick Greene's team continued its hot streak through the post-season becoming Big Atlantic champions, sectional champions and regional champions en route to the WVSSAC State Basketball Tournament at the Charleston Civic Center in March; and

WHEREAS: Facing one of only three teams that had beaten them earlier in the year, the GW Patriots defeated rival South Charleston in the first round of the State Tournament 59-46, led by Tyquane Goard's 23 points and 15 rebounds; and

WHEREAS: Thomas Francke's 19 points and tenacious team defense won the day in the second round as GW upset second-seeded Morgantown 52 - 37 to advance to the Championship Game against top-ranked Wheeling Park, which also had defeated the Patriots earlier in the season; and

WHEREAS: With Tyquane Goard scoring four of his 19 points in the game's final 28 seconds, the GW Patriots came from behind and then held on to defeat Wheeling Park 55-54 to win George Washington High School's first State Boys Basketball Championship since 1971; and

WHEREAS: The tremendous team effort all season long was exemplified by three players – Tyquane Goard, Thomas Francke and Nick Britton – being named to the WVSSAC's All Tournament Team; and

WHEREAS: Yes, the referees made the right call at the end of the game so that the State Championship was indeed won by the players of the winning team.

Therefore be it resolved by The Council and Mayor
of The City of Charleston, West Virginia:

That we, the elected leaders of Charleston, congratulate the players and coaches of George Washington High School's Boys Basketball team for a tremendous season that culminated with the West Virginia State High School AAA Championship and we express our best wishes for bright futures both on and off the court.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 953-11, adopted.

PLANNING

Councillperson Mary Jean Davis, Chairperson of the Council Committee on Planning, submitted the following report.

1. Your Committee on Planning has had under consideration Bill 7457, and reports the same to Council with the recommendation that the bill do pass.

A Bill closing, abandoning and discontinuing as a public right-of-way, the following streets and alleys:

Physical Street

A Street
Ox Street

Unimproved Street

Street – Block 2/3
Alley – Block 4
Alley – Block 5
B Street
Camp Street
Frank Street

The streets and alleys are located in the Coal Branch Heights area, situate north of Denton Street and adjacent to Ballard Street/Twilight Drive, in the City of Charleston, West Virginia.

The Bill in question will be voted under the Finance section of the meeting.

ORDINANCE AND RULES

Councillperson Jack Harrison, Chairperson of the Council Committee on Ordinance and Rules, submitted the following reports.

1. Your Committee on Rules and Ordinance has had under consideration Bill 6465, and reports the same to Council with the recommendation that the bill do pass.

Ordinance No.7462 - A Bill to revise and amend Charleston City Code, Section 10-163(b) by changing the number of days an impounded animal must be held at the Kanawha-Charleston Humane Association prior to the owner forfeiting the animal to the Humane Association from ten days to five days in order to bring the ordinance into compliance with the number of days a dog must be held from other jurisdictions and reduce the likelihood that the animal will become sick and have to be euthanized.

Received and Filed. The Bill in question will be voted on at the next Council Meeting.

FINANCE

Councillperson Robert Reishman, Chairperson of the Council Committee on Finance, submitted the following reports.

1. Your Committee on Finance has had under consideration Resolution No 944-11, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 944-11: "Authorizing the Mayor to sign and submit applications

to the Office of Economic Opportunity for the 2011 West Virginia Homeless Shelters Program (WVHSP) to provide operating expenses, maintenance, and essential services for the following agencies: Covenant House, Daymark, Kanawha Valley Fellowship Home, Rea of Hope, RCCR- Samaritan Inn, Roark Sullivan Lifeway Center, YWCA/Sojourner's, and YWCA/Resolve Family Abuse; and further authorizing the Mayor to sign all required contracts, documents and agreements with all 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 applications to the Office of Economic Opportunity for the 2011 West Virginia Homeless Shelters Program (WVHSP) to provide operating expenses, maintenance, and essential services for the following agencies: Covenant House, Daymark, Kanawha Valley Fellowship Home, Rea of Hope, RCCR-Samaritan Inn, Roark Sullivan Lifeway Center, YWCA/Sojourner's, and YWCA/Resolve Family Abuse; and further authorizing the Mayor to sign all required contracts, documents and agreements with all agencies.

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

YEAS: Burka, Davis, Deitzler, Deneault, Ealy, Hall, Hanna, Harris, Harrison, Higgins,

Jones, Kirk, Knauff, Lane, Miller, Payne, Reed, Reishman, Russell, Sheets, Smith, Talkington, , White, Mayor Jones.

ABSENT: Clowser, Salisbury, Ware, Weintraub

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 944-11, adopted.

2. Your Committee on Finance has had under consideration Resolution No 945-11, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 945-11 : "Authorizing the Mayor to sign and submit to the U.S. Department of Housing and Urban Development the Annual Action Plan for Program Year 2011 (FY 2011 to 2012), year 1 of the Consolidated Plan, and all required agreements including Subrecipient project contracts relating to the Annual Action Plan."

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 to the U. S. Department of Housing and Urban Development the Annual Action Plan for for Program Year 2011 (FY 2011 to 2012), year 1 of the Consolidated Plan, and all required agreements including Subrecipient project contracts relating to the Annual Action Plan.

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

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

ABSENT: Clowser, Salisbury, Ware, Weintraub

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 945-11, adopted.

3. Your Committee on Finance has had under consideration Resolution No 946-11, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 946-11 : "Authorizing the Finance Director to allocate funds in the amount of \$164,500.00 for pre-development and construction cost for a single family house on the West Side of Charleston. These funds will be awarded to the Religious Coalition for Community Renewal (RCCR) for Affordable Housing Development."

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

That the Finance Director is hereby authorized and directed to allocate funds in the amount of \$164,500.00 for pre-development and construction cost for a single family house on the West Side of Charleston. These funds will be awarded to the Religious Coalition for Community Renewal (RCCR) for Affordable Housing Development.

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

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

ABSENT: Clowser, Salisbury, Ware, Weintraub

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 946-11, adopted.

4. Your Committee on Finance has had under consideration Resolution No 947-11, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 947-11 : “Authorizing the Mayor to sign and submit Community Participation Program grant information sheets and all related documents for one agency located within the City of Charleston.”

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 agency located within the City of Charleston:

Kanawha City Community Association	11LEDA0530	\$35,000
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The question being on the adoption of the Resolution. A roll call was taken and there were; yeas – 24, absent-4, as follows:

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

ABSENT: Clowser, Salisbury, Ware, Weintraub

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 947-11, adopted.

5. Your Committee on Finance has had under consideration Resolution No 948-11, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 948-11 : “Authorizing the Mayor to sign and submit all related documents for the change of scope for Local Economic Development Assistance Program Project No. 09LEDA0250, West Side Main Street. The grant was initially awarded to be used to implement Phase I of the streetscape between Beatrice Street and Hunt Avenue, including new street furniture and lighting. West Side Main Street received additional funding for that project and would like to utilize grant funds to purchase replacement benches and trash receptacles for other areas along the Washington Street West corridor.”

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 all related documents for the change of scope for Local Economic Development Assistance Program Project No. 09LEDA0250, West Side Main Street. The grant was initially awarded to be used to implement Phase I of the streetscape between Beatrice Street and Hunt Avenue, including new street furniture and lighting. West Side Main Street received additional funding for that project and would like to utilize grant funds to purchase replacement benches and trash receptacles for other areas along the Washington Street West corridor.

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

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

ABSENT: Clowser, Salisbury, Ware, Weintraub

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 948-11, adopted.

6. Your Committee on Finance has had under consideration Resolution No 949-11, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 949-11: “Authorizing the Finance Director to make payment in the amount of \$14,266.21 to the West Virginia Consolidated Public Retirement Board to correct service contributions erroneously not rendered on behalf of Paul Adkins, an employee of the Charleston Street Department, for the period August 16, 1976 through December 31, 1978. The appropriate contributions for this employee began on January 1, 1979 and have been maintained through his current employment with the City.”

WHEREAS, the records of the City of Charleston confirm that Paul Adkins became a full-time PG-2 Laborer in the Charleston Street Department on August 16, 1976, and from that date through December 31, 1978, contributions to the West Virginia Consolidated Public Retirement Board were not made by the City on his behalf; and

WHEREAS, the said Paul Adkins has continued full-time employment with the City and appropriate contributions into his retirement account began on January 1, 1979 and have been maintained from that date to the present; and

WHEREAS, it has been determined by the City Accounting Department and the West Virginia Consolidated Public Retirement Board that said Paul Adkins is entitled to service contributions for the period August 16, 1976 through December 31, 1978, in the amount of Fourteen Thousand Two Hundred Sixty-six Dollars and Twenty-one Cents (\$14,266.21); now, therefore

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

That the Finance Director is hereby authorized and directed to make payment in the amount of \$14,266.21 to the West Virginia Consolidated Public Retirement Board to correct service contributions erroneously not rendered on behalf of Paul Adkins, an employee of the Charleston Street Department, for the period August 16, 1976 through December 31, 1978. The appropriate contributions for this employee began on January 1, 1979 and have been maintained through his current employment with the City.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 949-11, adopted.

7. Your Committee on Finance has had under consideration Resolution No 950-11, and reports the same to Council with the recommendation that the resolution do pass.

RESOLUTION NO. 950-11 "A Resolution authorizing the Mayor or his designee to close the City of Charleston's existing Police pension and relief fund to new hires, authorizing the adoption of the conservation method of financing as to the closed fund, and electing to become a participating employer of the West Virginia Municipal Police Officers and Firefighters Retirement System pursuant to W.Va. Code Section 8-22A-28, thereby placing all newly hired police officers into the West Virginia Municipal Police Officers and Firefighters Retirement System; therefore

Be it Resolved by the Council of the City of Charleston:

That the Mayor or his designee is hereby authorized to take all actions necessary to close the City of Charleston's existing Police pension and relief fund to new hires, and to adopt the conservation method of financing as to the closed fund.

And Be it further Resolved by the Council of the City of Charleston:

that the City of Charleston, West Virginia, does hereby elect to join the Municipal Police Officers and Firefighters Retirement System pursuant to Chapter 8, Article 22A, Section 28 of the West Virginia Code, and thereby will include all its municipal police officers who are eligible for membership in the Municipal Police Officers and Firefighters Retirement System. This municipality hereby agrees to pay its employer contributions, and withhold applicable employee contributions monthly and remit same to the Municipal Police Officers and Firefighters Retirement System no later than fifteen (15) days following the end of each calendar month. This municipality understands that if contributions are delinquent, the employer will be required to pay the actuarial rate of interest lost, which is currently 7.5%, on the total employee and employer contributions per day with a minimum of fifty dollars. This municipality further understands that once it becomes a participating employer of the Municipal Police Officers and Firefighters Retirement System, the municipality may not withdraw from participation of the retirement system without express statutory authority.

With respect to participation in the Municipal Police Officers and Firefighters Retirement System, this Resolution shall become effective on the first day of the month following receipt of this Resolution with all other required documentation, and following acceptance of this Resolution by the Consolidated Public Retirement Board.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 950-11, adopted.

8. Your Committee on Finance has had under consideration Resolution No 951-11, and reports the same to Council with the recommendation that the resolution do pass.

RESOLUTION NO. 951-11 "A Resolution authorizing the Mayor or his designee to close the City of Charleston's existing Firefighters pension and relief fund to new hires, authorizing the adoption of the conservation method of financing as to the closed fund, and electing to become a participating employer of the West Virginia Municipal Police Officers and Firefighters Retirement System pursuant to W.Va. Code Section 8-22A-28, thereby placing all newly hired firefighters into the West Virginia Municipal Police Officers and Firefighters Retirement System; therefore

Be it Resolved by the Council of the City of Charleston:

That the Mayor or his designee is hereby authorized to take all actions necessary to close the City of Charleston's existing Firefighters pension and relief fund to new hires, and to adopt the conservation method of financing as to the closed fund.

And Be it further Resolved by the Council of the City of Charleston:

that the City of Charleston, West Virginia, does hereby elect to join the Municipal Police Officers and Firefighters Retirement System pursuant to Chapter 8, Article 22A, Section 28 of the West Virginia Code, and thereby will include all its municipal paid professional firefighters who are eligible for membership in the Municipal Police Officers and Firefighters Retirement System. This municipality hereby agrees to pay its employer contributions, and withhold applicable employee contributions monthly and remit same to the Municipal Police Officers and Firefighters Retirement System no later than fifteen (15) days following the end of each calendar month. This municipality understands that if contributions are delinquent, the employer will be required to pay the actuarial rate of interest lost, which is currently 7.5%, on the total employee and employer contributions per day with a minimum of fifty dollars. This municipality further understands that once it becomes a participating employer of the Municipal Police Officers and Firefighters Retirement System, the municipality may not withdraw from participation of the retirement system without express statutory authority.

With respect to participation in the Municipal Police Officers and Firefighters Retirement System, this Resolution shall become effective on the first day of the month following receipt of this Resolution with all other required documentation, and following acceptance of this Resolution by the Consolidated Public Retirement Board.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 951-11, adopted.

9. Your Committee on Finance has had under consideration a bid submitted by Dell Marketing, L.P., in the total amount of \$58,790.85, for purchase of 40 Dell OptiPlex 980 computers (\$51,800.80) and one server (\$6,990.05) to be installed in various City

departments. To be charged to Account No. 001-975-00-439-4-459, Information Systems—Capital Outlay, Equipment, 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.

10. Your Committee on Finance has had under consideration a proposal submitted by Laerdal Medical Corporation for purchase of a SimMan portable simulator and accessories, in the amount of \$25,542.91, to be used by the Charleston Fire Department to provide simulation-based education to challenge and test the rescuer's clinical and decision making skills during realistic patient care scenarios. To be charged to Account No. 001-976-00-706-4-459, Fire—Capital Outlay, Equipment, 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.

11. Your Committee on Finance has had under consideration a proposal submitted by Morbark, Inc., in the amount of \$18,456.76, for purchase of parts to repair the Morbark Grinder used by the Public Grounds Division at the compost site. To be charged to Account No. 001-754-00-000-2-216, Equipment Maintenance—Maintenance & Repair, Equipment, 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.

12. Your Committee on Finance has had under consideration Bill No. 7457, and reports the same to Council with the recommendation that the Bill do pass.

A Bill closing, abandoning and discontinuing as a public right-of-way, the following streets and alleys:

Physical Street

A Street
Ox Street

Unimproved Street

Street – Block 2/3
Alley – Block 4
Alley – Block 5
B Street
Camp Street
Frank Street

The streets and alleys are located in the Coal Branch Heights area, situate north of Denton Street and adjacent to Ballard Street/Twilight 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 A Street, located in the 9th Ward of the City of Charleston, Kanawha County, West Virginia, more aptly described as follows:

Being parcels or tracts of land situate on the waters of unnamed tributaries of the Elk River, in the City of Charleston, North Tax District, Kanawha County, West Virginia, to which a more particular description is made, to-wit:

A STREET

Beginning at a Point, on the division live of Corotoman, Inc. (Deed Book 2315 Page 819), at the intersection of the easterly right of way of Denton Street and the southern right of way of A Street, which point marks the southern-most corner of Lot 42, Block 6, Tax Map 46, Parcel 190; thence with the right of way of Denton Street,

N 27°39'39" W a distance of 101.77 feet to a Point; thence continuing with Denton Street,

N 20°02'56" W a distance of 31.54 feet to a Point; which marks the southern-most corner of Lot 36, Block 6, Tax Map 46, Parcel 196; thence with the westerly right of way of A Street the following three (3) lines:

1. N 30°21'36" E a distance of 39.01 feet to a Point; which point marks the eastern-most corner of Lot 36, Block 6; thence,
2. N 02°57'45" W a distance of 137.56 feet to a Point; which point marks the northern-most corner of Lot 36, Block 6; thence,
3. N 40°48'45" W a distance of 182.40 feet to a Point; which point marks the intersection of the westerly right of way of A Street and the southerly right of way of Ox Street; thence with said right of way,

S 71°27'18" E a distance of 79.93 feet to a Point; which marks the intersection of the easterly right of way of A Street, the southerly right of way of Ox Street, and the southerly right of way of B Street; thence with the easterly right of way of A Street the following three (3) lines:

1. With a curve turning to the left with an arc length of 13.74 feet having a radius of 5.00 feet and a chord bearing of S 37°53'28" W, and a chord length of 9.81 feet; thence,
2. S 40°48'45" E a distance of 124.72 feet to a Point; which marks the common westerly corner of Lots 37 and 38, Block 6; thence

3. S 02°32'40" E a distance of 301.59 feet to the Point of Beginning and having an area of 14,479 square feet or 0.332 acres, more or less

2. The public right-of-way commonly known as B Street, located in the 9th Ward of the City of Charleston, Kanawha County, West Virginia, more aptly described as follows:

B STREET

Beginning at a Point, on the division line of Corotoman, Inc. (Deed Book 2315 Page 819), at the intersection of the southerly right of way of B Street and the northern-most corner of Lot 42, Block 6, Tax Map 46 Parcel 190; thence with the westerly right of way of B Street the following three (3) lines:

1. N 31°18'45" W a distance of 120.10 feet to a Point; thence,
2. N 50°19'45" W a distance of 146.50 feet to a Point; which point marks the common easterly corner of Lot 37, Block 6, Tax Map 46, Parcel 194 and Tax Map 46, Parcel 195; thence,
3. N 63°24'20" W a distance of 63.22 feet to a Point on the easterly line of Tax Map 46, Parcel 195; thence

N 31°11'42" E, crossing the street right of way, a distance of 35.05 feet to a Point; thence with the easterly right of way of B Street the following three (3) lines:

1. S 63°22'45" E a distance of 56.00 feet to a Point; thence,
2. S 50°19'45" E a distance of 155.00 feet to a Point; thence,
3. S 31°18'45" E a distance of 123.37 feet to a Point; which point marks the southern-most corner of Lot 25, Block 6, Tax Map 46, Parcel 230 and the aforesaid Corotoman Line; thence,

S 38°35'15" W a distance of 31.95 feet; crossing B Street; to the Point of Beginning and having an area of 10,709 square feet or 0.246 acres, more or less

3. The public right-of-way commonly known as Camp Street, located in the 9th Ward of the City of Charleston, Kanawha County, West Virginia, more aptly described as follows:

CAMP STREET

Beginning at a Point at the intersection of the northerly right of way of Camp Street and

the southerly right of way of Ballard Street, which point marks the southern-westerly corner of Lot 12, Block 4, Tax Map 46 Parcel 80; thence with the northerly right of way of Camp Street the following five (5) lines:

1. N 78°41'39" E a distance of 453.47 feet to a Point; which point marks the common corner of Lot 27, Block 4, Tax Map 46, Parcel 95 and Tax Map 46, Parcel 96, Kanawha County Court (Deed Book 1275 Page 94); thence,
2. S 86°34'32" E, passing the corner with Corotoman, Inc, Tax Map 46, Parcel 232 (Deed Book 2288 Page 268), a distance of 146.16 feet to a Point; thence,
3. S 60°50'22" E a distance of 275.39 feet to a Point; thence with said Corotoman line,
4. S 36°17'46" E a distance of 121.44 feet to a Point on the former Columbia Gas Radio Tower Lease property; thence,
5. S 26°46'12" E a distance of 23.37 feet to a Point; which point marks the corner of Corotoman, Inc (Deed Book 2315 Page 819); thence with Corotoman, Inc.,

S 38°35'15" W a distance of 43.02 feet to a Point; which point marks the eastern-most corner of Lot 25, Block 6, Tax Map 46, Parcel 230; thence with the southerly right of way of Camp Street the following six (6) lines:

1. N 32°42'06" W a distance of 122.26 feet to a Point; which point marks the common corner of Lots 21 and 20, Block 6; thence,
2. N 57°56'45" W a distance of 262.00 feet to a Point; which point marks the common corner of Lots 11 and 10, Block 6; thence,
3. N 83°42'45" W a distance of 163.00 feet to a Point; which point marks the common corner of Lots 6 and 5, Block 6; thence,
4. S 79°46'15" W a distance of 151.06 feet to a Point; which point marks the north-westerly corner of Lot 1, Block 6, Tax Map 46, Parcel 208; thence,
5. S 79°46'15" W passing Frank Street a distance of 20.0 feet to a Point; which point marks the north-easterly corner of Lot 22, Block 5, Tax Map 46, Parcel 120; thence,
6. S 78°41'39" W a distance of 308.92 feet to a Point at the intersection of the southern right of way of Ballard Street and the southern right of way of Camp Street; thence,

N 42°47'33" E a distance of 51.16 feet, crossing Camp Street, to the Point of Beginning and having an area of 36,910 square feet or 0.847 acres, more or less

4. The public right-of-way commonly known as Frank Street, located in the 9th Ward of the City of Charleston, Kanawha County, West Virginia, more aptly described as follows:

FRANK STREET

Beginning at a Point at the intersection of the northerly right of way of Denton Street and the westerly right of way of Frank Street, which point marks the south-eastern corner of Lot 45, Block 5, Tax Map 46 Parcel 139; thence with the westerly right of way of Frank Street,

N 10°13'59" W passing Block 5 Alley a total distance of 281.50 feet to a Point; which point marks the north-easterly corner of Lot 22, Block 5, Tax Map 46, Parcel 120; thence with the southerly right of way of Camp Street,

N 79°46'15" E a distance of 20.00 feet to a Point; which marks the north-westerly corner of Lot 1, Block 6, Tax Map 46, Parcel 208; thence with the easterly right of way of Frank Street,

S 10°19'45" E passing Ox Street a total distance of 272.00 feet to a Point at the intersection of with Denton Street; which marks the south-westerly corner of Lot 26, Block 6, Tax Map 46, Parcel 205; thence with the northerly right of way of Denton Street,

S 54°52'08" W a distance of 22.55 feet to the Point of Beginning and having an area of 5,599 square feet or 0.129 acres, more or less

5. The public right-of-way commonly known as Ox Street, located in the 9th Ward of the City of Charleston, Kanawha County, West Virginia, more aptly described as follows:

OX STREET

Beginning at a Point at the intersection of the easterly right of way of Frank Street and the southerly right of way of Ox Street, which point marks the north-westerly corner of Lot 26, Block 6, Tax Map 46, Parcel 205; thence with the easterly right of way of Frank Street,

N 10°19'45" W a distance of 30.00 feet to a Point; which marks the south-westerly corner of Lot 1, Block 6, Tax Map 46, Parcel 208; thence with the northerly right of way of Ox Street following three (3) lines as follows:

1. N 79°46'15" E a distance of 126.00 feet to a Point; thence,

2. S 83°42'45" E a distance of 101.00 feet to a Point; which marks the common southern corner of Lots 9 and 10, Block 6; thence,
3. S 63°22'45" E a distance of 45.00 feet to a Point; which marks the common southern corner of Lots 11 and 12, Block 6; thence,

S 31°11'42" W a distance of 35.05 feet to a Point; thence with the southerly right of way of Ox Street,

N 71°27'18" W a distance of 79.93 feet to a Point; which marks the intersection of the westerly right of way of A Street and the southerly right of way of Ox Street; thence with said right of way following three (3) lines as follows:

1. N 83°42'45" W a distance of 35.50 feet to a Point; which marks the common northerly corner of Lots 28 and 29, Block 6; thence,
2. S 87°41'48" W a distance of 24.74 feet to a Point; which marks the common northerly corner of Lots 27 and 28, Block 6; thence,
3. S 79°46'15" W a distance of 107.00 feet to the Point of Beginning and having an area of 8,379 square feet or 0.192 acres, more or less

6. The public right-of-way commonly known as Unnamed Street between Blocks 2 and 3, located in the 9th Ward of the City of Charleston, Kanawha County, West Virginia, more aptly described as follows:

UNNAMED STREET BETWEEN BLOCKS 2 AND 3

Beginning at a Point at the intersection of the westerly right of way of an Unnamed Street of Blocks 2 and 3 with the northerly right of way of Twilight Drive (formerly Ballard Street), which point marks the south-easterly corner of Lot 44, Block 2, Tax Map 46, Parcel 60; thence with the westerly right of way of said Unnamed Street,

N 29°27'01" W a distance of 190.19 feet to a Point at the intersection of the southerly right of way of an alley of Block 3; which point marks the north-easterly corner of Lot 44, Block 2, Tax Map 46, Parcel 60; thence,

N 60°32'59" E crossing the right of way of the Unnamed Street a distance of 25.00 feet to a Point; which point marks the north-westerly corner of Lot 33, Block 3, Tax Map 46, Parcel 61; thence with the easterly right of way of Unnamed Street,

S 29°27'01" E a distance of 190.00 feet to a Point on the aforesaid right of way of Twilight Drive; which point marks the south-westerly corner of Lot 33, Block 3, Tax Map 46, Parcel 61; thence with the northerly right of way of Twilight Drive,

S 60°07'03" W a distance of 25.00 feet to the Point of Beginning and having an area of 4,752 square feet or 0.109 acres, more or less

7. The public right-of-way commonly known as Alley in Block 4, located in the 9th Ward of the City of Charleston, Kanawha County, West Virginia, more aptly described as follows:

BLOCK 4 ALLEY

To find the True Point of Beginning (TPOB), commence at a Point at the intersection of the northerly right of way of Camp Street and the common southerly corner of Kanawha County Court (Deed Book 1275 Page 94), Tax Map 46, Parcel 96 and Parcel 95 (Lot 27, Block 4); thence with the easterly property line of Lot 27, Block 4, Tax Map 46, Parcel 95 and Parcel 96; then N 11°58'10"E, passing a corner of Corotoman, Inc. (Deed Book 228 Page 268), a distance of 124.38 feet to the True Point of Beginning at the north-easterly corner of Lot 27; thence with the southerly right of way of Block 4 Alley,

S 79°19'17" W a distance of 318.05 feet to a Point; which point marks the common northerly corner of Lots 16 and 17, Block 4; thence,

N 42°47'33" E crossing Block 4 Alley a distance of 16.80 feet to a Point on the northerly right of way of said alley; thence with the northerly right of way of Block 4 Alley,

N 79°19'17" E a distance of 292.47 feet to a Point; marking a corner of Tax Map 46, Parcel 77, Lot 9, Block 4; thence turning left with the westerly right of way of Block 4 Alley,

N 12°01'38" E a distance of 178.71 feet to a Point; thence,

S 78°01'50" E crossing Block 4 Alley a distance of 15.37 feet to a Point on the division line of Corotoman, Inc.; thence with the easterly right of way of Block 4 Alley and Corotoman, Inc.,

S 12°08'34" W a distance of 183.29 feet to the True Point of Beginning and having an area of 5,802 square feet or 0.133 acres, more or less

8. The public right-of-way commonly known as Alley in Block 5, located in the 9th Ward of the City of Charleston, Kanawha County, West Virginia, more aptly described as follows:

BLOCK 5 ALLEY

Beginning at a Point at the intersection of the westerly right of way of Frank Street and the southerly right of way of Block 5 Alley, which point marks the north-easterly corner of Lot 45, Block 5, Tax Map 46 Parcel 139; thence with the southerly right of way of Block 5 Alley following two (2) lines as follows:

1. S 78°55'22" W a distance of 299.01 feet to a Point; thence,
2. S 68°59'31" W a distance of 278.64 feet to a Point on the easterly right of way of Main Street; which point marks the north-westerly corner of Lot 23, Block 5, Tax Map 46, Parcel 121; thence with the easterly right of way of Main Street,

N 02°07'20" W a distance of 10.57 feet to a Point; which point marks the south-westerly corner of Lot 1, Block 5, Tax Map 46, Parcel 101; thence with the northerly right of way of Block 5 Alley following two (2) lines as follows:

1. N 68°59'31" E a distance of 276.09 feet to a Point; which point marks the common corner of Lots 10 and 11, Block 5; thence,
2. N 78°55'22" E a distance of 300.04 feet to a Point; which point marks the south-easterly corner of Lot 22, Block 5, Tax Map 46, Parcel 120; thence with the westerly right of way of Frank Street,

S 10°09'49" E a distance of 10.00 feet to the Point of Beginning and having an area of 5,769 square feet or 0.132 acres, more or less

8. 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 above, for the consideration of Twenty-three thousand one hundred dollars and 00/100 (\$ 23,100.00).

9. 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 Ordinance. A roll call was taken and there were; yeas – 24, absent-4, as follows:

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

ABSENT: Hanna, Lane, Payne

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Ordinance No. 7457, passed.

NEW BILLS

Introduced by Councilmember Mary Jean Davis, on May 2, 2011:

Bill No. 7461 amending the Zoning Ordinance of the City of Charleston, West Virginia,

enacted the 1st day of January, 2006, as amended, and the map made a part thereof, by rezoning the whole of that certain parcel of land situate at 1308 and 1312 Bigley Avenue, Charleston, (West Charleston 29, Parcels 35 and 36) West Virginia from an I-2 Light Industrial District to C-08 Village Commercial District.
Refer to Municipal Planning Commission.

Introduced by Councilmember Mary Jean Davis, on May 2, 2011:
Bill No. 7467 amending the Zoning Ordinance of the City of Charleston, West Virginia, enacted the 1st day of January 2006, as amended, and the map made a part thereof, by rezoning from a C-8 district to an I-2 district, that certain parcel of land situate at 2120 Pennsylvania Avenue, Charleston, WV.
Refer to Municipal Planning Commission.

Introduced by Councilmember Marc Weintraub, on May 2, 2011:
Bill No. 7468 - A Bill approving the following modification of the East End Community Renewal Plan for the City of Charleston, West Virginia: Prohibiting open storage except for automobile sales and garden centers in the Corridor Village District to bring the Community Renewal Plan into alignment with the Village Commercial District (C-8) in the City Zoning Ordinance.
Refer to Urban Renewal Committee.

Introduced by Councilmember Joe Deneault, on May 2, 2011:
Bill No. 7469 - A Bill approving the following modification of the West Side Community Renewal Plan for the City of Charleston, West Virginia: Prohibiting open storage except for automobile sales and garden centers in the Corridor Village District to bring the Community Renewal Plan into alignment with the Village Commercial District (C-8) in the City Zoning Ordinance.
Refer to Urban Renewal Committee.

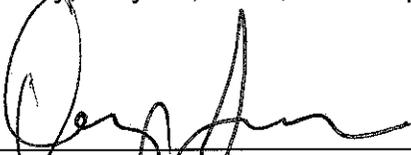
Introduced by Councilmember Marc Weintraub, on May 2, 2011:
Bill No. 7470 - A Bill approving the following modification of the Downtown/Old Charleston Urban Renewal Plan for the City of Charleston, West Virginia: Adding Group Home as a permitted use in the Downtown Village District (DVD) to bring the urban renewal plan into alignment with the Central Business District (CBD) in the City Zoning Ordinance.
Refer to Urban Renewal Committee.

Introduced by Council members Tom Lane, Jack Harrison, Bobby Reishman, on May 2, 2011:
Bill No. 7471: "A BILL to amend Chapter 18, Article XI, Division 1, Section 18-421, and Chapter 78, Article III, Division 2, Sections 163 and 165 of the Municipal Code of the City of Charleston, as amended and to repeal and reserve Chapter 78, Article III, Division 2, Section 78-164 of the Municipal Code of the City of Charleston in its entirety.
Refer to Ordinance and Rules Committee.

ROLL CALL

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

At 7:45p.m., by a motion from Councilmember Harrison, Council adjourned until Monday, May 16, 2011, at 7:00 p.m.



Danny Jones, Honorable Mayor



James M. Reishman, City Clerk