JOURNAL of the PROCEEDINGS
of the
CITY COUNCIL

CITY OF CHARLESTON, WEST VIRGINIA

Regular Meeting – Tuesday, September 3, 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 September on the 3rd day, in the year 2013, and was called to order by the Honorable Mayor, Danny Jones. The invocation was delivered by Councilman Richardson 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	**BURTON**	**CLOWSER**
DAVIS		**DODRILL**
EALY	**HAAS**	
HOOVER	**KIRK**	**LANE**
MILLER	**MINARDI**	**NICHOLS**
PERSINGER	**REISHMAN**	**RICHARDSON**
RUSSELL	**SALISBURY**	**SHEETS**
SMITH		**STAJDUHAR**
TALKINGTON	**WARE**	**WHITE**
MAYOR JONES		

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

There were no public speakers to address Council.

CLAIMS

1. A claim of Aaron Allred, 1 Kit Rd., Charleston, WV; alleges damage to property.
Refer to City Solicitor.

2. A claim of Lawrence Moore, 921 7th St., Charleston, WV; alleges damage to vehicle.
Refer to City Solicitor.

3. A claim of Margaret Mounts, 1615 B Oakhurst Rd., Charleston, WV; alleges damage to vehicle.
Refer to City Solicitor.

APPOINTMENTS

TO: JAMES REISHMAN
CITY CLERK

FROM: DANNY JONES
MAYOR

RE: MUNICIPAL PLANNING COMMISSION

DATE: SEPTEMBER 3, 2013

I recommend that Danny Scalise, 123 Sheridan Circle, Charleston, WV 25314, be appointed to the Municipal Planning Commission, with a said term to expire July 1, 2016.

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

TO: JAMES REISHMAN
CITY CLERK

FROM: DANNY JONES
MAYOR

RE: CIVIC CENTER BOARD

DATE:SEPTEMBER 3, 2013

I recommend that Paul Nusbaum, 2130 Presidential Drive, Charleston, WV 25314, be reappointed to the Civic Center Board, with a said term to expire June 22, 2017.

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

TO: JAMES REISHMAN
CITY CLERK

FROM: DANNY JONES
MAYOR

RE: MUNICIPAL BEAUTIFICATION COMMISSION

DATE:SEPTEMBER 3, 2013

I recommend that Lewis Payne, 300 Capital Street, Suite 1503 Charleston, WV 25301 be reappointed to the Municipal Beautification Commission, with a said term to expire September 19, 2016.

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

TO: JAMES REISHMAN
CITY CLERK

FROM: DANNY JONES
MAYOR

RE: MUNICIPAL BEAUTIFICATION COMMISSION

DATE:SEPTEMBER 3, 2013

I recommend that Mary Jane Vanderwilt, 1208 Upper Ridgeway Road Charleston, WV 25314 be reappointed to the Municipal Beautification Commission, with a said term to expire September 19, 2016.

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

TO: JAMES REISHMAN
CITY CLERK

FROM: DANNY JONES
MAYOR

RE: CIVIC CENTER BOARD

DATE:SEPTEMBER 3, 2013

I recommend that Edward Howard, 1321 Virginia Street East, Charleston, WV 25301, be reappointed to the Civic Center Board, with a said term to expire June 22, 2017.

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

PLANNING COMMITTEE

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.7586, and reports the same to Council with the recommendation that the bill do pass.

Bill No 7586 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 an R-8 district to a R-O district, that certain parcel of land situated at 933 Oakhurst Drive, Charleston, West Virginia.

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

1. The Zoning Ordinance of the City of Charleston, West Virginia, enacted the 14th day of December, 2012, as amended, is hereby amended by rezoning from an R-8 district to a R-O district the whole of the following described parcel of land: Parcel No. 14 as shown on South Annex Tax Map No. 11, Subject parcel commonly known as 933 Oakhurst Drive, Charleston, Kanawha County. Said tax map is of record in the Planning Office.

2. The Zoning Map, attached hereto and made a part of said Zoning Ordinance, is hereby amended in accordance with Article 28 of this ordinance.

3. 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 – 25, absent-3, as follows:
YEAS: Burka, Burton, Clowser, Davis, Dodrill, Ealy, Haas, Hoover, Kirk, Lane, Miller, Minardi, Nichols, Persinger, Reishman, Richardson, Russell, Salisbury, Sheets, Smith, Talkington, Ware, White, Mayor Jones.
ABSENT: Deneault, Harrison, Snodgrass
With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7586, passed.

2. Your Committee on Planning has had under consideration Street Naming – Nicole Way, and reports the same to Council with the recommendation that the street naming do pass.

Your Committee on Planning has had under consideration a request to name an unnamed drive located off of Ledge Hill Drive to Nicole Way attached hereto and made a part thereof.

Your Committee finds the request was duly filed on behalf of over 60% of the property owners and the request complies with the E911 Addressing Regulations and reports the same to Council with the recommendation that the drive be names Nicole Way.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Street Naming adopted.

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. 349-13, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 349-13 : "Authorizing the Mayor or City Manager to enter into an Agreement with Swank Construction Company, LLC, in the amount of $625,213.00, for the Farnsworth Drive Bridge Rehabilitation project."

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

That the Mayor or City Manager is hereby authorized and directed to enter into an Agreement with Swank Construction Company, LLC, in the amount of $625,213.00, for the Farnsworth Drive Bridge Rehabilitation project.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution 349-13 adopted.

2. Your committee on Finance has had under consideration Resolution No. 350-13, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 350-13 : "Authorizing the Mayor or City Manager to enter into an Agreement with Pleasants Construction, Inc., in the amount of $133,240.00, for the installation of Cured in Place Pipe ("CIPP") Lining within storm sewer pipes at various locations."

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

That the Mayor or City Manager is hereby authorized and directed to enter into an Agreement with Pleasants Construction, Inc., in the amount of $133,240.00, for the installation of Cured in Place Pipe ("CIPP") Lining within storm sewer pipes at various locations.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution 350-13 adopted.

3. Your committee on Finance has had under consideration Resolution No. 351-13, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 351-13 : "Authorizing the Finance Director to issue a refund in the amount of $7,311.32 to Leonoro's Restaurant for overpayment of Business & Occupation ("B&O") taxes during the second quarter of 2010 through the first quarter of 2013, as a result of the taxpayer reporting income as "Service" instead of "Retail".

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

That the Finance Director is hereby authorized and directed to issue a refund in the amount of $7,311.32 to Leonoro's Restaurant for overpayment of Business & Occupation ("B&O") taxes during the second quarter of 2010 through the first quarter of 2013, as a result of the taxpayer reporting income as "Service" instead of "Retail".

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution 351-13 adopted.

4. Your committee on Finance has had under consideration Resolution No. 352-13, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 352-13 : "Authorizing the Finance Director to amend the FY 2013-2014 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 FY 2013-2014 General Fund Budget as indicated on the attached list of accounts.

The question being on the passage of the Resolution. A roll call was taken and there were; yeas – 25, absent-3, as follows:
YEAS: Burka, Burton, Clowser, Davis, Dodrill, Ealy, Haas, Hoover, Kirk, Lane, Miller, Minardi, Nichols, Persinger, Reishman, Richardson, Russell, Salisbury, Sheets, Smith, Talkington, Ware, White, Mayor Jones.
ABSENT: Deneault, Harrison, Snodgrass
With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 352-13, passed.

5. Your committee on Finance has had under consideration Resolution No. 353-13, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 353-13 : "Authorizing the Mayor or City Manager to enter into an Agreement with ZMM Architects and Engineers, in the amount of $37,500.00, for the Design, Development and Consulting Services related to the Charleston EDGE project."

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

That the Mayor or City Manager are hereby authorized and directed to enter into an Agreement with ZMM Architects and Engineers, in the amount of $37,500.00, for the Design, Development and Consulting Services related to the Charleston EDGE project.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution 353-13 adopted.

6. Your committee on Finance has had under consideration Resolution No. 354-13, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 354-13 : "Authorizing the Mayor or City Manager to enter into an Agreement with Simplex Grinnell, LLP, in the amount of $51,187.00, to provide all labor and materials for the replacement of a Sprinkler System at the Giltinan Men's Homeless Shelter."

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

That the Mayor or City Manager is hereby authorized and directed to enter into an Agreement with Simplex Grinnell, LLP, in the amount of $51,187.00, to provide all labor and materials for the replacement of a Sprinkler System at the Giltinan Men's Homeless Shelter.

The question being on the passage of the Resolution. A roll call was taken and there were; yeas – 25, absent-3, as follows:
YEAS: Burka, Burton, Clowser, Davis, Dodrill, Ealy, Haas, Hoover, Kirk, Lane, Miller, Minardi, Nichols, Persinger, Reishman, Richardson, Russell, Salisbury, Sheets, Smith, Talkington, Ware, White, Mayor Jones.
ABSENT: Deneault, Harrison, Snodgrass

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 354-13, passed.

7. 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 bid submitted by Findley Fire Equipment Co., Inc. for purchase of bunker gear, at a cost of $1,630 per set, to be used by firefighters in the Charleston Fire Department. The unit prices for the bunker gear, consisting of jackets and trousers with thermal liners and dragonhide cuffs and knee pads, shall remain in effect for a two-year period to allow the fire department to purchase the gear on an as needed basis.

To be charged to Account No. 001-976-00-706-4-459, Fire—Capital Outlay, Equipment

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the Committee Report adopted.

NEW BILLS

Introduced by Council Member Mary Jean Davis on September 3, 2013:
Bill No. 7593 - A Bill providing for annexation without an election for a portion of the Wallace's Point Subdivision and a portion of the Wallace Hartman Nature Preserve totaling 20.08 acres m/l of land pursuant to the provisions of Chapter 8, Article 6, Section 4 of the West Virginia Code, 2006 as amended, and directing the City Clerk to forward a certificate to the County Court of Kanawha County to the affect that a petition to annex has been filed, in the manner required by law, to increase the Charleston corporate limits.
Referred to Municipal Planning Commission and Planning Committee

Introduced by Council Member Mary Jean Davis on September 3, 2013:
Bill No. 7594 - A Bill amending the Zoning Ordinance of the City of Charleston, West Virginia, enacted the 7th day of March 1983, as amended, and the map made a part thereof, by establishing R-2 Single Family Residential zoning on a part of parcel 88 as shown on Louden Tax District Map 8 and part of parcel 5 as shown on South Annex Map 43 lying outside the city limits and subject to said parcels being annexed into the City of Charleston.
Referred to Municipal Planning Commission and Planning Committee

Introduced by Council Member Ed Talkington on September 3, 2013:
Bill No. 7595 - Bill No 7595 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 and R-10 district to a C-10 district, that certain parcel of land situated at 633 Central Avenue, Charleston, West Virginia.
Referred to Municipal Planning Commission and Planning Committee

Introduced by Council Member Cubert Smith on September 3, 2013:
Bill No. 7598 - A BILL to enact Chapter 10, Article V, Section 10-180 of the Municipal Code of the City of Charleston for the purpose of regulating cats within the City and to promote the health, safety, and welfare of the citizens of the City.
Referred to Ordinance and Rules

ROLL CALL

The Clerk called the roll:

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

At 7:35 p.m., by a motion from Councilmember Ware, Council adjourned until Monday, September 16, 2013, at 7:00 p.m.

Danny Jones, Honorable Mayor

James M. Reishman, City Clerk