

**JOURNAL
OF THE
COUNCIL
CITY OF CHARLESTON
WEST VIRGINIA**

July 18, 2011

THE COUNCIL MET IN CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE SECOND MEETING IN THE MONTH OF JULY ON THE 18th DAY, IN THE YEAR 2011, 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 MILLER.

**BURKA
DAVIS
EALY
KIRK
MINARDI
REISHMAN
SALISBURY
SNODGRASS
WARE
MAYOR JONES**

**BURTON
DENEALT
HAAS
LANE
NICHOLS
RICHARDSON
SHEETS
STAJDUHAR
WEINTRAUB**

**CLOWSER
DODRILL
HARRISON
MILLER
PERSINGER
RUSSELL
SMITH
TALKINGTON
WHITE**

WITH TWENTY-EIGHT 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. JT Thompson – Democracy
- 2. Myron Boggess -Fire Department
- 3. Michael Robinson – Hampton Road
- 4. Lisa tackett – Senior Olympics

CLAIMS

- 1. A claim of John Booker, 2932 Charles Ave., Dunbar, WV; alleges damage to vehicle. Refer to City Solicitor

COMMUNICATIONS

The Clerk read the Proclamations:

EXECUTIVE DEPARTMENT
 CITY OF CHARLESTON
 PROCLAMATION
 By the Mayor

WHEREAS: The Mayor and City Council have proclaimed October as Community Planning Month in part to honor the valuable efforts of our corporate, institutional, nonprofit and private citizens who have invested their resources into the improvement and sustainability of the City of Charleston; and

WHEREAS: Smart growth is an urban planning and transportation movement that concentrates growth in the center of a city to avoid urban sprawl and advocates compact, transit-oriented, pedestrian- and bicycle-friendly land use; and

WHEREAS: The goals of community planning and smart growth are to achieve a unique sense of community and place; expand the range of transportation, employment, and housing choices; preserve and enhance natural and cultural resources; and promote public health; and

WHEREAS: John and Ruth McGhee have beautified the City of Charleston by lighting its bridges, including the historic Southside Bridge, the Kanawha Boulevard and Lee Street bridges over the Elk River.

Now Therefore, I, Danny Jones, Mayor of the City of Charleston, do hereby recognize that

John & Ruth McGhee

The recipients of the 2010 Bright Idea Award, are a valuable asset to the community and urge all citizens to commend the McGhee’s for investing in the future of the City of Charleston.

IN WITNESS WHEREOF, I have set my hand and caused the Seal of the

Executive Department to be affixed this 18th day of July 2011.

EXECUTIVE DEPARTMENT

CITY OF CHARLESTON

PROCLAMATION

By the Mayor

WHEREAS: The Mayor and City Council have proclaimed October as Community Planning Month in part to honor the valuable efforts of our corporate, institutional, nonprofit and private citizens who have invested their resources into the improvement and sustainability of the City of Charleston; and

WHEREAS: Smart growth is an urban planning and transportation movement that concentrates growth in the center of a city to avoid urban sprawl and advocates compact, transit-oriented, pedestrian- and bicycle-friendly land use; and

WHEREAS: The goals of community planning and smart growth are to achieve a unique sense of community and place; expand the range of transportation, employment, and housing choices; preserve and enhance natural and cultural resources; and promote public health; and

WHEREAS: Senator Robert C. Byrd obtained federal money for the redevelopment of Haddad Riverfront Park, including: a retractable canopy over the seating bowl and the construction of a new canopy overlook at the end of Court Street, all of which have greatly contributed to beautification and functionality of one of Charleston's best assets.

Now Therefore, I, Danny Jones, Mayor of the City of Charleston, do hereby recognize that

Senator Robert C. Byrd

The recipient of the 2010 Redevelopment of the Year Award, is a valuable asset to the community and urge all citizens to remember Senator Byrd's legacy for investing in the future of the City of Charleston.

IN WITNESS WHEREOF, I have set my hand and caused the Seal of the Executive Department to be affixed this 18th day of July 2011.

EXECUTIVE DEPARTMENT

CITY OF CHARLESTON

PROCLAMATION

By the Mayor

WHEREAS: The Mayor and City Council have proclaimed October as Community Planning Month in part to honor the valuable efforts of our corporate, institutional, nonprofit

and private citizens who have invested their resources into the improvement and sustainability of the City of Charleston; and

WHEREAS: Smart growth is an urban planning and transportation movement that concentrates growth in the center of a city to avoid urban sprawl and advocates compact, transit-oriented, pedestrian- and bicycle-friendly land use; and

WHEREAS: The goals of community planning and smart growth are to achieve a unique sense of community and place; expand the range of transportation, employment, and housing choices; preserve and enhance natural and cultural resources; and promote public health; and

WHEREAS: The Haddad Foundation has beautified the City of Charleston by contributing funding for the construction of the iconic smokestack banner displays at Haddad Riverfront Park which is used and enjoyed by Charleston's residents for numerous special events.

Now Therefore, I, Danny Jones, Mayor of the City of Charleston, do hereby recognize that the

Haddad Foundation

the recipient of the 2010 Redevelopment of the Year Award, is a valuable asset to the community and to commend the Haddad Foundation for investing in the future of the City of Charleston.

IN WITNESS WHEREOF, I have set my hand and caused the Seal of the Executive Department to be affixed this 18th day of July 2011.

The Clerk read the Appointments

TO: JAMES REISHMAN, CITY CLERK
FROM: DANNY JONES, MAYOR
RE: CHARLESTON-KANAWHA HOUSING AUTHORITY
DATE: JULY 18, 2011

I recommend that Tim Morris, 1107 Wilkie Drive, Charleston, WV 25314, be appointed to the Charleston Kanawha Housing Authority Board of Directors for a term to expire December 10, 2013. He has been unanimously recommended by the Kanawha County Commission as one of its recommended appointments to the board, and he replaces Mike Stajduhar.

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

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the appointment confirmed.

The Clerk read the Communication

*Honorable Danny Jones and
City Council Members
Charleston, West Virginia 25301*

Dear Mayor Jones and Councilmember's:

On July 6, 2011 the Municipal Planning Commission held public hearings and its regular monthly meeting. The following case was heard:

Bill #7474

Petition of Joyce A. Coiner, Jerry Campbell and Phyllis Campbell requesting to amend 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 parcels of land situate at 1305, 1309 and 1311 Bigley Avenue, Charleston, West Virginia from an I-2 Light Industrial District to a C-8 Village Commercial District.

This case should be referred to the Council Committee on Planning.

*Sincerely,
Municipal Planning Commission
Phyllis White, Administrative Assistant*

The Mayor referred the case to the Council Committee on Planning.

STREETS AND TRAFFIC

Councilman Joe Deneault, Chairman of the Council Committee on Streets and Traffic, submitted the following reports.

1. Your Committee on Streets and Traffic has had under consideration Bill No. 7475, and reports the same to Council with the recommendation that the Bill do pass.

Bill No. 7475 - A Bill to amend and re-enact Ordinance No. 6710 passed by Council on September 5, 2000 establishing a Loading Zone on the southerly side of Piedmont Road from a point 27 feet west of California Avenue to a point 269 feet west of California Avenue, and amending the Traffic Control Map and Traffic Control File, established by the Code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Law, Section 263, Division 2, Article 4, and Chapter 114, to conform therewith.

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

Section 1. A Loading Zone on the southerly side of Piedmont Road from a point 137 feet west of California Avenue to a point 269 feet west of California Avenue is hereby established.

Section 2. The Traffic Control Map and Traffic Control File, established

by the code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Law, Section 263, Division 2, Article 4, Chapter 114, shall be and hereby are amended, to conform to this Ordinance.

Section 3. All prior Ordinances, inconsistent with this Ordinance are hereby repealed to the extent of said inconsistency.

The question being on the passage of the Bill. A roll call was taken and there were; yeas – 28, as follows:

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

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7475, passed.

2. Your Committee on Streets and Traffic has had under consideration Bill No. 7476, and reports the same to Council with the recommendation that the Bill do pass.

Bill No. 7476 - A Bill to create an Official State Vehicle Only parking area on the southerly side of Piedmont Road from a point 27 feet west of California Avenue to a point 137 feet west of California Avenue, and amending the Traffic Control Map and Traffic Control File, established by the Code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Law, Section 263, Division 2, Article 4, and Chapter 114, to conform therewith.

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

Section 1. Official State Vehicle only parking area on the southerly side of Piedmont Road from a point 27 feet west of California Avenue to a point 137 feet west of California is hereby established.

Section 2. The Traffic Control Map and Traffic Control File, established by the code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Law, Section 263, Division 2, Article 4, Chapter 114, shall be and hereby are amended, to conform to this Ordinance.

Section 3. All prior Ordinances, inconsistent with this Ordinance are hereby repealed to the extent of said inconsistency.

The question being on the passage of the Bill. A roll call was taken and there were; yeas – 28, as follows:

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

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7476, passed.

3. Your Committee on Streets and Traffic has had under consideration Bill No. 7477, and reports the same to Council with the recommendation that the Bill do pass.

Bill No. 7477 - A Bill to create a 3 Hour Limited Time Parking Zone in the Public Parking area bounded on the east by: Pennsylvania Avenue, North; on the west by Pennsylvania Avenue,

South; on the north by the Interstate 64/77 bridge abutment and on the south by Washington Street, West and amending the Traffic Control Map and Traffic Control File, established by the Code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Law, Section 263, Division 2, Article 4, and Chapter 114, to conform therewith.

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

Section 1. A 3 Hour Limited Time Parking Zone in the Public Parking area bounded on the east by: Pennsylvania Avenue, North; on the west by Pennsylvania Avenue, South; on the north by the Interstate 64/77 bridge abutment and on the south by Washington Street, West is hereby established.

Section 2. The Traffic Control Map and Traffic Control File, established by the code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Law, Section 263, Division 2, Article 4, Chapter 114, shall be and hereby are amended, to conform to this Ordinance.

Section 3. All prior Ordinances, inconsistent with this Ordinance are hereby repealed to the extent of said inconsistency.

The question being on the passage of the Bill. A roll call was taken and there were; yeas – 28, as follows:

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

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7477, passed.

4. Your Committee on Streets and Traffic has had under consideration Bill No. 7478, and reports the same to Council with the recommendation that the Bill do pass.

Bill No. 7478 - A Bill to create a No Parking Anytime Tow Away Zone on the southerly side of Washington Street, West from the westerly curb line of 21st Street to a point 60 feet west of 21st Street and amending the Traffic Control Map and Traffic Control File, established by the Code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Law, Section 263, Division 2, Article 4, and Chapter 114, to conform therewith.

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

Section 1. A No Parking Anytime Tow Away Zone on the southerly side of Washington Street, West from the westerly curb line of 21st Street to a point 60 feet west of 21st Street is hereby established.

Section 2. The Traffic Control Map and Traffic Control File, established by the code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Law, Section 263, Division 2, Article 4, Chapter 114, shall be and hereby are amended, to conform to this Ordinance.

Section 3. All prior Ordinances, inconsistent with this Ordinance are hereby repealed to the extent of said inconsistency.

The question being on the passage of the Bill. A roll call was taken and there were; yeas – 28, as follows:

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

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7478, passed.

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 984-11, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 984-11: “Authorizing the Mayor to receive and administer funds in the amount of \$31,499 from the West Virginia Division of Justice and Community Services Victims of Crime Act (VOCA) providing for the salary of a full-time Victim Services Coordinator in the Charleston Police Department. The coordinator will provide direct services to victims of crime in 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 receive and administer funds in the amount of \$31,499 from the West Virginia Division of Justice and Community Services Victims of Crime Act (VOCA) providing for the salary of a full-time Victim Services Coordinator in the Charleston Police Department. The coordinator will provide direct services to victims of crime in the City of Charleston.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the resolution 984-11, adopted.

2. Your Committee on Finance has had under consideration Resolution No 985-11, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 985-11: “Authorizing the Finance Director to allocate funds in the amount of \$46,010 for rehabilitation of two (2) owner-occupied residences located on the West Side in the City of Charleston.”

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 \$46,010 for rehabilitation of two (2) owner-occupied residences located on the West Side in the City of Charleston.

The question being on the adoption of the Resolution. A roll call was taken and there were; yeas – 28, as follows:

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

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 985-11 adopted.

3. Your Committee on Finance has had under consideration Resolution No 986-11, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 986-11 : “Authorizing the Mayor or his designee to execute the Amended Automatic Aid Agreement Replacing Automatic Aid Agreement of March 24, 2004, with the City of South Charleston, West Virginia, for the purpose of providing emergency services to areas close to the jurisdictional boundaries between the two cities, as more fully set forth in Attachment A hereto.

WHEREAS, the West Virginia State Fire Commission has encouraged the use of automatic aid agreements between fire departments to facilitate prompt emergency response; and

WHEREAS, in order to minimize delays in emergency response due to confusion over jurisdictional boundaries, the City of Charleston and the City of South Charleston have previously entered into an automatic aid agreement governing response within areas surrounding the jurisdictional boundary between the cities; and

WHEREAS, the City of Charleston has constructed the Dudley Public Safety Center at Dudley Lane along U.S. 119; and

WHEREAS, both the City of Charleston and the City of South Charleston agree that a public safety facility at or near the proximity of the Dudley Public Safety Center is necessary for the protection of life and property within each of their respective corporate boundaries, and that it would be duplicative, inefficient and wasteful for both municipalities to operate separate stations within the same proximity; and

WHEREAS, in order to further the purposes of common protection of people and property of both municipalities and the reciprocal provision of emergency and rescue services within both municipalities as set forth in the 2004 Automatic Aid Agreement, the City of Charleston and the City of South Charleston now desire to amend, revise and replace said 2004 Automatic Aid Agreement to provide that South Charleston shall utilize, and operate fire fighting and emergency services out of the Dudley Public Safety Center according to the terms and conditions of the Amended Automatic Aid Agreement as more fully set forth in Attachment A hereto; and

WHEREAS, to the extent that the City of South Charleston is considered “another jurisdiction” under W. Va. Code § 8-11-3, said authorization is permitted by Resolution pursuant to the Municipal Code of the City of Charleston Chapter 3, Article II, Section 3-12;

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CHARLESTON, WEST VIRGINIA:

That the Mayor or his designee is hereby authorized to execute the Amended Automatic Aid Agreement Replacing Automatic Aid Agreement of March 24, 2004, with the City of South Charleston, West Virginia, for the purpose of providing emergency services to areas close to the jurisdictional boundaries between the two cities.

Councilman Sheets made a motion to table the Resolution until the next Council meeting, Councilman Kirk second the motion. By a show of hands the the Mayor declared the motion denied.

The question being on the adoption of the Resolution. A roll call was taken and there were; yeas – 25, abstain – 1, nays – 2, as follows:

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

Nays – Smtih, Kirk

Abstain - Sheets

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 986-11 adopted.

REPORTS OF OFFICERS

1. City Treasurer's Report to City Council Month Ending June 2011.

Received and Filed

NEW BILLS

Introduced by Council members Marc Weintraub and Robert Sheets, on July 18, 2011:

Bill No. 7484: "A BILL to decrease the speed limit on Lee Street between Elizabeth Street and Bradford Street in the east end of Charleston from 30 m.p.h. to 25 m.p.h., and to amend the Traffic Control Map and Traffic Control File, established by the Code of the City of Charleston, West Virginia, as amended, Chapter 114 - Traffic Ordinance, Article IV, Division 2, to conform herewith.

Refer to Streets and Traffic Committee.

Introduced by Council member Bobby Reishman, on July 18, 2011:

Bill No. 7485: "A BILL authorizing the Mayor to execute a Quitclaim Deed on behalf of the City of Charleston to the Board of Education of Kanawha County, quitclaiming any right, title or interest the City may have in certain "paper" streets in a portion of property located within the City of Charleston referred to as the Armordale Addition and more fully described in Exhibit A hereto.

Refer to Finance Committee.

Introduced by Council member Bobby Reishman, on July 18, 2011:

Bill No. 7486: "A BILL to authorizing the Mayor on behalf of City of Charleston to grant and convey to the Sanitary Board of the City of Charleston, eight permanent sanitary sewer easements and one temporary easement on properties owned by the City of Charleston, all of which are attached hereto collectively as Exhibit A.

Refer to Finance Committee.

With no further business to discuss relating to the regular meeting of Council the Mayor, stepped down from the podium and Tom Lane took over the meeting to conduct the Preliminary Hearing for the Election Contest. The City Clerk and staff were also excused from participating in the second half of the meeting.

ROLL CALL

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

At 9:00p.m., by a motion from Councilmember Harrison, Council adjourned until Monday, August 1, 2011, at 7:00 p.m.

Danny Jones, Honorable Mayor

James M. Reishman, City Clerk