



**JOURNAL of the PROCEEDINGS  
of the  
CITY COUNCIL**

CITY OF CHARLESTON, WEST VIRGINIA

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Regular Meeting – Monday, October 19, 2015

at 7:00 P.M.

Council Chamber – City Hall – Charleston, West Virginia

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**OFFICIAL RECORD**

**Danny Jones  
Mayor**

**JB Akers  
City Clerk**

**CALL TO ORDER**

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The Council met in the Chambers of the City Building at 7:00 P.M., for the second meeting in the month of October on the 19<sup>th</sup> day, in the year 2015, 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 Council lady Ireland. The Honorable Clerk, JB Akers, called the roll of members and it was found that there were present at the time:

**BURKA  
CHESTNUT  
EALY**

**LANE  
OVERSTREET  
RICHARDSON  
SMITH  
TALKINGTON**

**BURTON  
CLOWSER  
FAEGRE  
HOOVER  
MILLER  
PERSINGER  
SALISBURY  
SNODGRASS  
WARE**

**CEPERLEY  
DAVIS  
HAAS  
IRELAND  
MINARDI  
SLATER  
STEELE  
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***

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NONE

***CLAIMS***

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1. A claim of Carolann Rowe, 4726 Venable Ave., Charleston, WV; alleges damage to vehicle.  
*Referred to City Solicitor.*

**COMMUNICATIONS**

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October 19, 2015

The Honorable Danny Jones  
Mayor of Charleston  
P.O. Box 2749  
Charleston, West Virginia 25330

Dear Mayor Jones,

For 12 seasons now, the event we started as *Live on the Levee: Good Fun for a Good Cause* has been providing live music in Haddad Riverfront Park on Friday evenings during the summer. The “Good Cause” part of that has included a weekly 50/50 raffle to benefit the organizations working to address homelessness in our city. Over the 12 seasons of *Live on the Levee*, we have raised and distributed about \$66,000 for these organizations in Charleston.

As for 2015, I am pleased to inform you that fund-raising during the 16 *Moses Auto Group Live on the Levee* concerts raised \$6,684 that we will be dividing and distributing to five organizations: Covenant House, Daymark, Religious Coalition for Community Renewal, Roark Sullivan Lifeway Center and the YWCA Sojourners Shelter. As you can see, our City’s free concert series has an impact well beyond the free music and great entertainment on the Schoenbaum Stage on Friday nights during the summer.

Thanks to you and your staff for working with our *Moses Auto Group Live on the Levee* committee to make this event the success that it has become for our community and our community organizations.

Sincerely,

Tom Lane  
Council President

President Lane presented checks to the Covenant House, Daymark, Religious Coalition for Community Renewal, Roark Sullivan Lifeway Center and the YWCA Sojourners Shelter.

**MISCELLANEOUS RESOLUTIONS**

Resolution No. 660-15

Introduced in Council

October 19, 2015

Mary Jean Davis, Jack Harrison, Karan Ireland, Mary Beth Hoover

**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 and transportation planning movement that favors concentrating growth in the center of a city to avoid urban sprawl and advocates for 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, recreation, and housing choices; preserve and enhance natural and cultural resources; and promote public health and safety; and

**WHEREAS:** The Four Points by Sheraton, with the significant investment in and restoration of its facility along Kanawha Boulevard, has shown its commitment to the ongoing prosperity, vitality, and quality of place in Downtown Charleston. The complete remodeling of the exterior façade and grounds compliments and strengthens the investment citizens and benefactors of Charleston have made in Haddad Riverfront Park and the Kanawha River waterfront. Interior updates have created a truly world-class destination for events and accommodation in the heart of the business, dining, and cultural epicenter of the City. The extensive and complete remodeling of the structure includes eight condominium units helping to fill the strong demand for permanent housing in the downtown district within walking distance of so many urban-core amenities. The reinvention of this property serves as a showpiece of what quality of place the City of Charleston can offer and serves to multiply the investment throughout Downtown Charleston and beyond.

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

That we, the elected leaders of Charleston, do hereby recognize that

**Four Points by Sheraton**

recipient of the **Reinvention of Place Award**, is a valuable asset to the community and urge all citizens to commend the Four Points by Sheraton for investing in the future of the City of Charleston.

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**Danny Jones, Mayor**

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**Tom Lane, Council President**

Council lady Davis moved to approve the resolution. Councilman Lane seconded the motion. By unanimous vote, the resolution was approved.

Resolution No. 661-15

Introduced in Council

October 19, 2015

Mary Jean Davis, Jack Harrison, Karan Ireland, Mary Beth Hoover

- 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 and transportation planning movement that favors concentrating growth in the center of a city to avoid urban sprawl and advocates for 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, recreation, and housing choices; preserve and enhance natural and cultural resources; and promote public health and safety; and
- WHEREAS:** Bill Turner of Pison Development, in renovating and rehabilitating the former Kyle Furniture building, has showcased that redevelopment of historic structures for mixed-uses adds significant vitality and value to the City of Charleston. The Parkview Lofts project has added fourteen new dwelling units to the East End Warehouse District filling a growing demand for living in the city center. Further, the project developed two commercial, street-front units enhancing the economic activity, streetscape, and sense of place along Smith Street. The redevelopment has served to lift the potential of the surrounding area. The transformative nature of this project demonstrates the possibility of so many underutilized structures and serves as an example of the bright future the City of Charleston has in store when investment, redevelopment, and vision converge.

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

That we, the elected leaders of Charleston, do hereby recognize that

**Bill Turner, Pison Development –  
Parkview Lofts**

recipient of the **Excellence in Redevelopment Award**, is a valuable asset to the community and urge all citizens to commend Mr. Turner, Pison Development for investing in the future of the City of Charleston.

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**Danny Jones, Mayor**

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**Tom Lane, Council President**

Council lady Davis moved to approve the resolution. Councilman Lane seconded the motion. By unanimous vote, the resolution was approved.

Resolution No. 662-15

Introduced in Council

October 19, 2015

Mary Jean Davis, Jack Harrison, Karan Ireland, Mary Beth Hoover

- 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 and transportation planning movement that favors concentrating growth in the center of a city to avoid urban sprawl and advocates for 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, recreation, and housing choices; preserve and enhance natural and cultural resources; and promote public health and safety; and
- WHEREAS:** Project West Invest has fostered a culture of community investment underway within the Charleston Police Department, recognizing the connection between creating safer neighborhoods and overall community health, livability, and wellbeing. Revitalization of existing homes on the West Side by Officers of the Charleston Police Department and their residency in the neighborhood will allow them to not simply understand the challenges and joys of the community, but to live and share in them. These Officers have come to serve the West Side community as protectors of the peace but have committed to become more; neighbors, mentors, and friends. Developing strong neighborhood ties amongst residents and Officers is what Project West Invest has the potential to achieve; transforming community challenges into opportunities to work hand-in-hand. Strengthening the fabric of the West Side Neighborhood strengthens the City of Charleston’s sense of community and the desirability to call it home.

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

That we, the elected leaders of Charleston, do hereby recognize that

**Project West Invest**

recipient of the **Neighborhood Transformation Award**, is a valuable asset to the community and urge all citizens to commend Project West Invest for investing in the future of the City of Charleston.

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**Danny Jones, Mayor**

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**Tom Lane, Council President**

Council lady Davis moved to approve the resolution. Councilman Lane seconded the motion. By unanimous vote, the resolution was approved.

Resolution No. 663-15

Introduced in Council

October 19, 2015

Mary Jean Davis, Jack Harrison, Karan Ireland, Mary Beth Hoover

- 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 and transportation planning movement that favors concentrating growth in the center of a city to avoid urban sprawl and advocates for 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, recreation, and housing choices; preserve and enhance natural and cultural resources; and promote public health and safety; and
- WHEREAS:** Des Barkalov, in establishing The Block Restaurant and Wine Cellar, has invested in enhancing the sense of place along Capitol Street through implementation of strong urban and architectural design. The Block has contributed to building the culinary and cultural fabric of the City. He has demonstrated his belief in a vibrant downtown through investment and vision which has supported the increasing desirability of the Downtown as a destination for dining, relaxation, and culture. The establishment of The Block further recognizes and cements the significance of a walkable and diverse downtown district as an economic engine and cultural hub for the City of Charleston.

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

That we, the elected leaders of Charleston, do hereby recognize that

**Des Barkalov – The Block Restaurant  
and Wine Cellar**

recipient of the **Downtown Vibrancy Award**, is a valuable asset to the community and urge all citizens to commend Mr. Barkalov for investing in the future of the City of Charleston.

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**Danny Jones, Mayor**

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**Tom Lane, Council President**

Council lady Davis moved to approve the resolution. Councilman Lane seconded the motion. By unanimous vote, the resolution was approved.

**REPORTS OF COMMITTEES**

**COMMITTEE ON STREETS AND TRAFFIC**

Council lady Hoover, Chairperson of the Council Committee on Streets and Traffic, submitted the following report:

1. Your committee on Streets and Traffic has had under consideration Bill No. 7670, and reports the same to Council with the recommendation that the bill do pass.

Bill No.7670: A Bill to enact Chapter 114, Article VII, Division 1, Section 114-580 of the Code of the City of Charleston relating to Valet Parking Areas within the City of Charleston.

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

That the Council for the City of Charleston hereby enacts Chapter 114, Article VII, Division 1, Section 114-580 of the Code of the City of Charleston relating to Valet Parking Areas within the City of Charleston.

**CHAPTER 114**

**ARTICLE VII. STOPPING, STANDING AND PARKING**

**DIVISION 1. GENERALLY**

**Sec. 114-580. Valet Parking Areas**

(a) The Director of Parking for the City of Charleston, in consultation with the City of Charleston Traffic Engineer and with consent of the City Manager, shall have the authority to establish Valet Parking Areas within the city for the purpose of allowing business patrons to leave the vehicle for an attendant who shall move the vehicle to a lawful parking space outside of the Valet Parking Area. The Director of Parking shall also have the authority to promulgate reasonable rules or regulations for the use of Valet Parking Areas. Copies of such rules or regulations, as amended from time to time, shall be filed in the city clerk's office, and shall be available to interested parties at all reasonable times.

(b) A Valet Parking Area may be so designated by application to the Director of Parking specifying the proposed location of the Valet Parking Area and hours of operation of the valet parking service. The Director of Parking will inspect the area to determine that the area does not constitute a nuisance or safety hazard, and is otherwise consistent with guidelines and laws

regulating the flow of traffic in the City of Charleston.

(b) It shall be unlawful for any person to operate valet parking services outside of a Valet Parking Area, or to park a vehicle in a Valet Parking Area in violation of any of the provisions of this Section. Any person violating the provisions of this Section shall be fined One Hundred Dollars (\$100.00). Each day on which a violation of the provisions of this Section occurs shall be considered a separate violation.

(c) In the event the City of Charleston should have a public need for use of a Valet Parking Area, or any portion thereof, the City may, in its discretion and upon written notice to the business operating the valet parking service, modify, suspend, or terminate the Valet Parking Area in its entirety or in part.

Council Lady Hoover moved to pass the bill. Councilman Lane seconded that motion. A roll call was taken:

YEAS: Burka, Burton, Ceperley, Chestnut, Clowser, Davis, Ealy, Faegre, Haas, Hoover, Ireland, Lane, Miller, Minardi, Overstreet, Persinger, Richardson, Salisbury, Slater, Smith, Snodgrass, Steele, Talkington, Ware, Mayor Jones

NAYS: NONE

ABSENT: Harrison, Reishman

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7670, adopted.

## **COMMITTEE ON FINANCE**

Councilperson Tom Lane, Member of the Council Committee on Finance, submitted the following reports:

1. Your committee on Finance has had under consideration Resolution No. 657-15, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 657-15: “Authorizing the Mayor or City Manager to enter into an Agreement with Municipal Leasing Consultants, in the amount of approximately \$603,000.00 for a three year lease purchase period at a rate of 1.279% and approximately \$2,353,000.00 for a five year lease purchase period at a rate of 1.517%, to provide for the purchase of various vehicles and equipment for City departments, and subject to review and final approval by legal counsel for the City.”

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 Municipal Leasing Consultants, in the amount of approximately \$603,000.00 for a three year lease purchase period at a rate of 1.279% and approximately \$2,353,000.00 for a five year lease purchase period at a rate of 1.517%, to provide for the purchase of various vehicles and equipment for City departments, and subject to review and final approval by legal counsel for the City.

Councilman Lane moved to approve the Resolution. Councilman Ware seconded the motion. With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution 657-15 adopted.

2. Your committee on Finance has had under consideration Resolution No. 658-15, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 658-15: “Approving settlement of pending litigation, captioned *Terri Williams v. The City of Charleston, West Virginia*, Civil Action No. 13-C-2370, Kanawha County Circuit Court, Judge Joanna I. Tabit, in the amount of \$30,000.00 and authorizing the Mayor or his designee to execute any documents necessary to consummate the full settlement and dismissal of the pending civil action in exchange for a full release by Plaintiff of all claims stemming from a July, 2013, incident”.

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

That the City Council for the City of Charleston hereby approves settlement of pending litigation, captioned *Terri Williams v. The City of Charleston, West Virginia*, Civil Action No. 13-C-2370, Kanawha County Circuit Court, Judge Joanna I. Tabit, in the amount of \$30,000.00, and hereby authorizes the Mayor or his designee to execute any documents necessary to consummate the full settlement and dismissal of the pending civil action in exchange for a full release by Plaintiff of all claims stemming from a July, 2013, incident.

*To be charged to Account No. 001-417-00-000-2-229, Legal—Court Costs & Damages*

Councilman Lane moved to approve the Resolution. Councilman Ware seconded the motion. With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution 658-15 adopted.

3. Your committee on Finance has had under consideration Resolution No. 659-15, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 659-15 : “Authorizing the Mayor or City Manager to enter into an Agreement with Daktronics, Inc., in an amount not to exceed \$253,325.00 for purchase and installation of two (2) 2’11” x 100’ Daktronics RTN-300 – 15mm-56x1962 Interior LED Ribbon Boards at the Charleston Civic Center. The Boards will be installed on the concrete fascia on each side of the seating area in the Coliseum.”

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 Daktronics, Inc., in an amount not to exceed \$253,325.00 for purchase and installation of two (2) 2’11” x 100’ Daktronics RTN-300 – 15mm-56x1962 Interior LED Ribbon Boards at the Charleston Civic Center. The Boards will be installed on the concrete fascia on each side of the seating area in the Coliseum.

*To be charged to Account No. 216-979-00-000-4-460, Civic Center Project--Capital Outlay,  
Construction in Progress*

Councilman Lane moved to approve the resolution. Councilman Ware seconded the motion. With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution 659-15 adopted.

**REPORTS OF OFFICERS**

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1. Municipal Court Report to City Council Month Ending September 2015.  
*Received and Filed*
2. Report of the FASB Actuarial Valuation FYE 2015 Report from the City Treasurer.  
*Received and Filed*
3. City Treasurer's Report to City Council Month Ending September, 2015  
*Received and Filed*

**NEW BILLS**

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Introduced by Council member Edward Talkington on October 19, 2015:

Bill No. 7671 – A Bill to establish a Restricted Use Area in the Kanawha City area of Charleston for the purpose of prohibiting the drilling into and the extraction of ground water within the Restricted Use Area except for ground water monitoring and/or remediation.

Refer to Environmental and Recycling Committee

***ADJOURNMENT***

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*The Clerk, JB Akers, called the closing roll call:*

YEAS: Burka, Burton, Ceperley, Chestnut, Clowser, Davis, Ealy, Faegre, Haas, Hoover, Ireland, Lane, Miller, Minardi, Overstreet, Persinger, Richardson, Salisbury, Slater, Smith, Snodgrass, Steele, Talkington, Ware, Mayor Jones

ABSENT: Harrison, Reishman

At 7:38 p.m., by a motion from Councilmember Ware, Council adjourned until Monday, November 2, 2015, at 7:00 p.m., in the Council Chamber in City Hall.

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Danny Jones, Honorable Mayor

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JB Akers, City Clerk