

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

October 3, 2011

THE COUNCIL MET IN CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE SECOND MEETING IN THE MONTH OF SEPTEMBER ON THE 19th DAY, IN THE YEAR 2011, AND WAS CALLED TO ORDER BY THE HONORABLE MAYOR, DANNY JONES. THE INVOCATION WAS DELIVERED BY RICHARDSON AND THE PLEDGE OF ALLEGIANCE WAS LED BY WHITE.

**BURKA
DAVIS
EALY**

MINARDI

**SALISBURY
SNODGRASS
WARE
MAYOR JONES**

BURTON

HAAS

**NICHOLS
RICHARDSON
SHEETS
STAJDUHAR
WEINTRAUB**

**CLOWSER
DODRILL**

**MILLER
PERSINGER
RUSSELL
SMITH
TALKINGTON
WHITE**

WITH TWENTY-THREE 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

Mark Wolford – Rod Run and Doo Wop

CLAIMS

A claim of Angelo Argento, 4103 Washington Ave. SE., Charleston, WV; alleges damage to vehicle. Refer to City Solicitor

COMMUNICATIONS

To: Mayor and City Council
From: Mary Jean Davis, Councilmember-at-large
Date: October 3, 2011
Subject: Withdraw Bill #7483

The petitioner of Bill #7483 respectfully requests that City Council withdraw the Bill.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7483, officially Withdrawn.

STREETS AND TRAFFIC

Councillperson Kasey Russell, Vice Chairperson 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. 7493, and reports the same to Council with the recommendation that the bill do pass.

A Bill to establish a FIVE minute Parking Zone on the easterly side of Ruffner Avenue from a point 110’ North of Jackson Street to point 132’ North of Jackson 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, Chapter 114, to conform therewith.

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

Section 1. A five minute Parking Zone on the easterly side of Ruffner Avenue from a point 110’ North of Jackson Street to point 132’ North of Jackson 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 – 23,

absent - 5, as follows:

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

ABSENT: Deneault, Harrison, Kirk, Lane, Reishman

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7493, passed

2. Your Committee on Streets and Traffic has had under consideration Bill No. 7494, and reports the same to Council with the recommendation that the bill do pass.

A Bill to establish a No Parking Anytime Tow Away Zone on both sides of Dudley Drive from a point 70' West of Greenbrier Street to a point 220' West of Greenbrier 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, 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 both sides of Dudley Drive from a point 70' West of Greenbrier Street to a point 220' West of Greenbrier 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 – 23, absent - 5, as follows:

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

ABSENT: Deneault, Harrison, Kirk, Lane, Reishman

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7494, passed

PLANNING

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

Bill No. 7491 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-4 district to an R-10 district, that certain parcel of land situate at 810 Grant Street, 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 1st day of January 2006, as amended, is hereby amended by rezoning from an R-4 district to an R-10 district the whole of the following described parcel of land:

Parcel No. 296 as shown on Charleston West Tax Map No. 24. The subject property is commonly known as Glenwood School, with a street address of 810 Grant Street, Charleston, West Virginia. Said tax map is of record in the Planning Office.

2. The Zoning Map, attached to and made a part of said Zoning Ordinance, is hereby amended in accordance with Article 27 of this ordinance.

3. All prior ordinances or parts of ordinances that are 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 – 23, absent - 5, as follows:

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

ABSENT: Deneault, Harrison, Kirk, Lane, Reishman

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7491, passed

FINANCE

Councillperson Ed Talkington, Vice Chairperson of the Council Committee on Finance, submitted the following reports.

1. Your Committee on Finance has had under consideration Resolution No 018-11, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 018-11 _____: “Authorizing the Finance Director to amend FY 2011-2012 Parking System 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 FY 2011-2012 Parking System Budget as indicated on the attached list of accounts.

The question being on the adoption of the Resolution. A roll call was taken and there were; yeas – 23, absent - 5, as follows:

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

ABSENT: Deneault, Harrison, Kirk, Lane, Reishman

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 018-11 adopted

2. Your Committee on Finance has had under consideration Resolution No 019-11, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 019-11 _____: “Authorizing the Finance Director to amend FY 2011-2012 Civic Center Budget as indicated on the attached list of accounts.”

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

That the Finance Director is hereby authorized and directed to amend FY 2011-2012 Civic Center Budget as indicated on the attached list of accounts.

The question being on the adoption of the Resolution. A roll call was taken and there were; yeas – 23, absent - 5, as follows:

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

ABSENT: Deneault, Harrison, Kirk, Lane, Reishman

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 019-11 adopted

3. Your Committee on Finance has had under consideration Resolution No 020-11, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 020-11 _____: “Authorizing the Mayor to sign and submit Community Participation Program grant contracts and all related documents on behalf of two 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 Community Participation Program grant contracts and all related documents on behalf of the following agencies:

Salvation Army Boys and Girls Club	11LEDA0541	\$4,370
National Youth Science Foundation	11LEDA0538	\$1,500

The question being on the adoption of the Resolution. A roll call was taken and there were; yeas – 23, absent - 5, as follows:

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

ABSENT: Deneault, Harrison, Kirk, Lane, Reishman

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 020-11 adopted

4. Your Committee on Finance has had under consideration Resolution No 021-11, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 021-11 _____: “Authorizing the Finance Director to allocate funds in the amount of \$57,000.00 for acquisition of one (1) HOME project located in the Fort Hill area 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 \$57,000.00 for acquisition of one (1) HOME project located in the Fort Hill area of Charleston.

The question being on the adoption of the Resolution. A roll call was taken and there were; yeas – 23, absent - 5, as follows:

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

ABSENT: Deneault, Harrison, Kirk, Lane, Reishman

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 021-11 adopted

5. Your Committee on Finance has had under consideration Resolution No 022-11, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 022-11 : “Authorizing the Finance Director to allocate funds in the amount of \$28,600.00 for rehabilitation of two (2) owner-occupied residences 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 \$28,600.00 for rehabilitation of two (2) owner-occupied residences in the City of Charleston as follows:

East End Residence	\$14,200
West Side Residence	\$14,400

The question being on the adoption of the Resolution. A roll call was taken and there were; yeas – 23, absent - 5, as follows:

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

ABSENT: Deneault, Harrison, Kirk, Lane, Reishman

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 022-11 adopted

REPORTS OF OFFICERS

1. Report of the City of Charleston Payroll Variance Analysis; July 2011
Received and Filed.

2. Report of the City of Charleston Payroll Variance Analysis; August 2011
Received and Filed.

NEW BILLS

Introduced by Council members, Mike Stajduhar, William Kirk, Bobby Haas, Courtney Persinger, Bobby Reishman, John Miller, Mary Jean Davis, Andy Richardson, Tom Lane, Jerry Ware, Chris Dodrill, Joe Deneault, Rev. James Ealy, Mike Nichols, Edward Talkington, Bob White, Susie Salisbury, Jack Harrison on October 3, 2011:

Bill No.7492 – a Bill amending the Zoning Ordinance of the City of Charleston, West Virginia, enacted the 1st day of January 2006, as amended, and the map made part thereof, by rezoning from a R-4 district to a R-8 district, that certain parcel of land situate at 300 Baker Lane, Charleston, West Virginia.

Refer to Municipal Planning Commission and Planning Committee.

Introduced by Council member Ed Talkington, on October 3, 2011:

Bill No. 7496 - A Bill to establish a One Hour Parking Zone Monday Through Saturday 8 AM to 6 PM on the Easterly side of Delaware Avenue from a point 25' South of Virginia Street to a point 95' South of Virginia 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, Chapter 114, to conform therewith. Refer to the Streets and Traffic Committee.

Introduced by Council member Ed Talkington, on October 3, 2011:

Bill No. 7497- A Bill to establish a One Hour Parking Zone Monday Through Saturday 8 AM to 6 PM on the Southerly side of Virginia Street, West from a point 40' East of Delaware Avenue to a point 84' East of Delaware 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, Chapter 114, to conform therewith. Refer to the Streets and Traffic Committee.

Introduced by Council member Ed Talkington, on October 3, 2011:

Bill No. 7498- A Bill to establish a One Hour Parking Zone Monday Through Saturday 8 AM to 6 PM on the Westerly side of Delaware Avenue, from a point 48' South of Central Avenue to a point 114' South of Central 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, Chapter 114, to conform therewith. Refer to the Streets and Traffic Committee.

Introduced by Council member Mary Jean Davis, Sam Minardi, Joe Deneault, on October 3, 2011:

Bill No. 7499: "A BILL to establish a No Parking Any Time Tow Away Zone on the southerly side of Sweetbrier Road from Hampton Road to a point 180 feet east of Hampton Road, 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 the Streets and Traffic Committee.

ROLL CALL

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

ABSENT: Deneault, Harrison, Kirk, Lane, Reishman

At 7:25 p.m., by a motion from Councilmember Ware, Council adjourned until Monday, October 17, 2011, at 7:00 p.m.

Danny Jones, Honorable Mayor

James M. Reishman, City Clerk