



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

CITY OF CHARLESTON, WEST VIRGINIA

Regular Meeting – Monday, October 7, 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 October on the 7th day, in the year 2013, and was called to order by the Honorable Mayor, Danny Jones. The invocation was delivered by Councilman Harrison and the Pledge of Allegiance was led by a Boy Scout in the audience. The Honorable James M. Reishman, City Clerk, called the roll of members and it was found that there were present at the time:

**BURKA
DAVIS
EALY
HOOVER
MILLER
PERSINGER**

**BURTON

HAAS

MINARDI
REISHMAN**

**CLOUSER
DODRILL
HARRISON
LANE**

**SMITH
TALKINGTON
MAYOR JONES**

**SNODGRASS
WARE**

**RICHARDSON
SHEETS
STAJDUHAR
WHITE**

With twenty-three 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

1. Delegate Nancy Guthrie – Grant Presentation
2. Carrie Bowe, Debby Weinstein, Kim Burton – Domestic Violence Awareness/YWCA
3. Debby Smith – Department of Corrections (Opted not to speak)
4. Bill Hariston – EEFRC/Walk for Kids
5. Dan Vriendt, Mary Jean Davis – Imagine Charleston Comp Plan

CLAIMS

1. A claim of Charles E. Carpenter, 306 21st Street, Charleston, WV; alleges damage to vehicle.
Referred to City Solicitor
2. A claim of Freddy N. Caruthers 219 Riverside Drive, St. Albans, WV; alleges damage to vehicle.
Referred to City Solicitor
3. A claim of Deborah Mudd, 4102 Washington Ave., SE, Charleston, WV; alleges damage to vehicle
Referred to City Solicitor

PUBLIC HEARING

1. **Bill No. 7597:** An Ordinance amending the Charter of the City of Charleston Section 9 – Boundaries of voting precincts; registration books; registering voters; transfer from one precinct to another; duties of county court, Section 9-a – Special registrars; compensation of county court and clerk; delivery of registration books to city clerk; return to clerk of county court, Section 11 – when county and city voting precincts to be the same; how elections to be held, Section 14 – Same—Qualifications; Vacancies, Section 24 – Oath of Officers; how and within what time officers must qualify; failure to qualify vacates office and Section 35 – Election and term of office of elective officers; salary of mayor; appointments by mayor; term of appointive officers; duties of mayor and city solicitor; salary of solicitor; fees, revising the election cycle for the City of Charleston elections.

No one from the public spoke regarding Bill No. 7597. The Honorable Mayor declared the Public Hearing closed.

2. **Bill No. 7591:** A Bill adopting a comprehensive plan and downtown redevelopment plan for the City of Charleston, West Virginia, pursuant to Chapter 8A, Article 3, of the West Virginia Code titled “Imagine Charleston: Comprehensive Plan” and “Imagine Charleston: Downtown Redevelopment Plan”. Said plans are to guide the city to accomplish a coordinated and compatible development of land and improvements within its territorial jurisdiction, in accordance with present and future needs and resources.

No one from the public spoke regarding Bill No. 7591. The Honorable Mayor declared the Public Hearing closed.

MISCELLANEOUS BUSINESS

1. A Certificate of Recognition was given to Debbi Cobb in recognition of her efforts to clean up and improve the street garden at the intersection of Circle, Laurel and Locust Roads.

REPORTS OF COMMITTEES

COMMITTEE ON PLANNING

Councilperson Mary Jean Davis, Chairperson of the Council Committee on Planning, submitted the following reports:

1. **Bill No. 7591:** A Bill adopting a comprehensive plan and downtown redevelopment plan for the City of Charleston, West Virginia, pursuant to Chapter 8A, Article 3, of the West Virginia Code titled “Imagine Charleston: Comprehensive Plan” and “Imagine Charleston: Downtown Redevelopment Plan”. Said plans are to guide the city to accomplish a coordinated and compatible development of land and improvements within its territorial jurisdiction, in accordance with present and future needs and resources.

WHEREAS, the City Council hereby finds:

- a. A comprehensive plan is the basis for land development and use, and must be reviewed and updated on a regular basis;
- b. The purpose of a comprehensive plan is to:

- i. Set goals and objectives for land development, uses and suitability for a governing body, so a governing body can make an informed decision;
 - ii. Ensure that the elements in the comprehensive plan are consistent;
 - iii. Coordinate all governing bodies, units of government and other planning commissions to ensure that all comprehensive plans and future development are compatible;
 - iv. Create conditions favorable to health, safety, mobility, transportation, prosperity, civic activities, recreational, educational, cultural opportunities and historic resources;
 - v. Reduce the wastes of physical, financial, natural or human resources which result from haphazard development, congestion or scattering of population;
 - vi. Reduce the destruction or demolition of historic sites and other resources by reusing land and buildings and revitalizing areas;
 - vii. Promote a sense of community, character and identity;
 - viii. Promote the efficient utilization of natural resources, rural land, agricultural land and scenic areas;
 - ix. Focus development in existing developed areas and fill in vacant or underused land near existing developed areas to create well designed and coordinated communities; and
 - x. Promote cost-effective development of community facilities and services; and
- c. Due to the passage of time and change in the City's circumstances, the comprehensive plan currently in place, the 1996 comprehensive plan titled "Bridges to Tomorrow," is outdated and should be replaced; and
- d. The plans titled "Imagine Charleston: Comprehensive Plan" and "Imagine Charleston: Downtown Redevelopment Plan," attached hereto as Exhibit A and Exhibit B respectively, are in compliance with the mandatory components of a comprehensive plan as outlined in § 8A-3-4 of the Code of West Virginia, and should be adopted as comprehensive plans for the City.

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

That the plans titled “Imagine Charleston: Comprehensive Plan” and “Imagine Charleston: Downtown Redevelopment Plan” are hereby adopted as the comprehensive plans for the City; and be it

FURTHER ORDAINED, that all the 1996 comprehensive plan titled “Bridges to Tomorrow” is hereby repealed and replaced by the “Imagine Charleston: Comprehensive Plan” and “Imagine Charleston: Downtown Redevelopment Plan”.

This Ordinance will become effective on October 12, 2013.

Councilwoman Davis moved to approve the bill. Councilman Ware seconded. 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, Harrison, Hoover, Lane, Miller, Minardi, Persinger, Reishman, Richardson, Sheets, Smith, Snodgrass, Talkington, Ware, White, Mayor Jones.

ABSENT: Deneault, Kirk, Nichols, Russell, Salisbury

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7591, passed.

2. **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.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CHARLESTON, WEST VIRGINIA

1. That pursuant to Chapter 8, Article 2, Section 4 of the West Virginia Code, 2006 as amended, that a governing body of a municipality may, by ordinance, provide for the annexation of additional territory without ordering a vote if:
 - a. A majority of the qualified voters of the additional territory file with the governing body a petition to be annexed; and
 - b. A majority of all freeholders of the additional territory, whether they reside or have a place of business therein or not, file with the governing body a petition to be annexed.
2. The entire territory to be annexed is owned by the Elk River Land Company,

LLC, the West Virginia Land Trust Inc., and Kanawha County Parks and Recreation and contains 20.89 acres m/l of land, located in the Wallace's Point Subdivision and the Wallace Hartman Nature Preserve. Currently situated in Loudon District, Kanawha County, West Virginia, more particularly described as follows:

Being a portion of Tax Map 8 Parcel 88, in Loudon District, Kanawha County, West Virginia, and on the North side of Fairfax Estates Subdivision Section "A", and part of Tax Map 43 Parcel 5, in Loudon District, Kanawha County, West Virginia, and being more particularly described as follows: Beginning at a stone pile found corner to West Virginia Land Trust Inc. Kanawha County Parks and Rec (deed book 2540 page 862), and corner to Andrew and Rebecca Ceperley (deed book 2741 page 284, tax map 75 par 11); Thence leaving said West Virginia Trust Inc., and with the northern line of the Fairfax Estates Subdivision N 50°20'27" W 1769.20' to a point in the Charleston South Annex District line and the Loudon District line; Thence leaving said Subdivision, and with a the common district line S 84°24'38" E 1807.94' to a point in the line between said West Virginia Land Trust Inc., and Harry A. Wallace and William B. Wallace (deed book 2540 page 475); encompassing a portion of a parcel of the West Virginia Land Trust Inc. Kanawha County Parks and Rec (deed book 2540 page 862); Thence with the common line for the next six courses S 22°52'46" E 59.57' to a 5/8" rebar with cap set; Thence S 02°52'34" W 80.60' to a 5/8" rebar with cap set; Thence S 52°16'06" W 202.37' to a 5/8" rebar with cap set; Thence S 25°57'06" W 286.03' to a 5/8" rebar with cap set; Thence S 26°34'53" E 98.12' to a 5/8" rebar with cap set; Thence S 31°39'27" W 409.86' to place of beginning, containing 20.89 acres more or less. Being a part of the same property owned by Harry A. Wallace and William B. Wallace (deed book 2540 page 475), and a part of the property owned by West Virginia Land Trust Inc. Kanawha County Parks and Rec (deed book 2540 page 862).

3. The City of Charleston has received a petition from the Elk River Land Company, LLC, the West Virginia Land Trust Inc., and Kanawha County Parks and Recreation stating they are the owners of the property.
4. The City of Charleston has verified the total number of eligible petitioners as shown on the map titled "Wallace's Point Subdivision" and determined that the petitioners represents 100% of both the qualified voters and freeholders and that said petition exceeds the minimum requirements for approving an annexation without an election pursuant section 1 above.
5. That upon passage of this ordinance the City Clerk is hereby directed 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.

Councilwoman Davis moved to approve the Bill. Councilman Lane seconded. 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, Harrison, Hoover, Lane, Miller, Minardi, Persinger, Reishman, Richardson, Sheets, Smith, Snodgrass, Talkington, Ware, White, Mayor Jones.

ABSENT: Deneault, Kirk, Nichols, Russell, Salisbury

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7593, passed.

3. **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 Loudon 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.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CHARLESTON, WEST VIRGINIA

1. The Zoning Ordinance of the City of Charleston, West Virginia, enacted the 7th day of March 1983, as amended, is hereby amended by zoning R-2 Single Family Residential the whole of the following described parcel of land:

Being a portion of Tax Map 8 Parcel 88, in Loudon District, Kanawha County, West Virginia, and on the North side of Fairfax Estates Subdivision Section "A", and part of Tax Map 43 Parcel 5, in South Annex District, Kanawha County, West Virginia, and being more particularly described as follows: Beginning at a stone pile found corner to West Virginia Land Trust Inc. Kanawha County Parks and Rec (deed book 2540 page 862), and corner to Andrew and Rebecca Ceperley (deed book 2741 page 284, tax map 75 par 11); Thence leaving said West Virginia Trust Inc., and with the northern line of the Fairfax Estates Subdivision N 50°20'27" W 1769.20' to a point in the Charleston South Annex District line and the Loudon District line; Thence leaving said Subdivision, and with a the common district line S 84°24'38" E 1807.94' to a point in the line between said West Virginia Land Trust Inc., and Harry A. Wallace and William B. Wallace (deed book 2540 page 475); encompassing a portion of a parcel of the West Virginia Land Trust Inc. Kanawha County Parks and Rec (deed book 2540 page 862); Thence with the common line for the next six courses S 22°52'46" E 59.57' to a 5/8" rebar with cap set; Thence S 02°52'34" W 80.60' to a 5/8" rebar with cap set; Thence S 52°16'06" W 202.37' to a 5/8" rebar with cap set; Thence S 25°57'06" W 286.03' to a 5/8" rebar with cap set; Thence S 26°34'53" E 98.12' to a 5/8" rebar with cap set; Thence S 31°39'27" W 409.86' to place of beginning, containing

20.89 acres more or less. Being a part of the same property owned by Harry A. Wallace and William B. Wallace (deed book 2540 page 475), and a part of the property owned by West Virginia Land Trust Inc. Kanawha County Parks and Rec (deed book 2540 page 862).

2. The Zoning Map, attached to and made part of said Zoning Ordinance, is hereby amended in accordance with Section 1 of this ordinance.
3. All ordinances, or parts of ordinances, inconsistent with this ordinance are hereby repealed to the extent of such inconsistency

Councilwoman Davis moved to approve the bill. Councilman Lane seconded. 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, Harrison, Hoover, Lane, Miller, Minardi, Persinger, Reishman, Richardson, Sheets, Smith, Snodgrass, Talkington, Ware, White, Mayor Jones.

ABSENT: Deneault, Kirk, Nichols, Russell, Salisbury

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7594, passed.

4. **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.

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 a C-8 and R-10 district to a C-10 district the whole of the following described parcels of land: Parcel No. 22 and 23 as shown on West Charleston Tax Map No. 22, Subject parcel commonly known as 633 Central Avenue, 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.

Councilwoman Davis moved to approve the Bill. Councilman Lane seconded 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, Harrison, Hoover, Lane,

Miller, Minardi, Persinger, Reishman, Richardson, Sheets, Smith, Snodgrass, Talkington, Ware, White, Mayor Jones.

ABSENT: Deneault, Kirk, Nichols, Russell, Salisbury

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7595, passed.

5. The Committee on Planning has had under consideration a request to rename Kennawa Drive to Curtis Price Way attached hereto and made a part thereof.

The Planning Committee submitted that:

1. The majority of the property owners and business are in favor of the request; and
2. The proposed name complies with the E911 Addressing Regulations. and Reports the same to Council with the recommendation that Kennawa Drive be renamed to Curtis Price Way.

Councilwoman Davis moved to approve the Bill. Councilman Lane seconded. With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the renaming of Kennawa Drive to Curtis Price Way adopted.

COMMITTEE ON 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. 357-13, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 357-13: Authorizing the Mayor to sign Change Order No. 2 with Carl Walker Construction, Inc., in the amount of \$6,499.50, for final reconciliation of items associated with concrete slab repair, wall and column repair, horizontal and vertical joint sealants, cove sealants and supplemental floor drain piping for Municipal Parking Building No. 1; and additional fire rated doors and roof level deck coating for Municipal Parking Building No. 3. The additional costs will increase the contract price from \$1,077,527.50 to \$1,084,027.00.”

To be charged to Account No. 406-571-00-000-4-458, Parking-Capital Outlay, Major Improvements.

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

That the Mayor is hereby authorized and directed to sign Change Order No. 2 with Carl Walker Construction, Inc., in the amount of \$6,499.50, for final reconciliation of items associated with concrete slab repair, wall and column repair, horizontal and vertical joint sealants, cove sealants and supplemental floor drain piping for Municipal Parking Building No. 1; and additional fire rated doors and roof level deck coating for Municipal Parking Building No. 3. The additional costs will increase the contract price from \$1,077,527.50 to \$1,084,027.00.

Councilman Reishman moved to approve the Resolution. Councilman Lane seconded the motion. With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution 357-13 adopted.

2. Your committee on Finance has had under consideration Resolution No. 358-13, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 358-13: Authorizing “*Citizen Appreciation Parking*” for Saturday, November 30, 2013, and three Saturdays in December 2013 (December 7th, 14th, and 21st). “*Citizen Appreciation Parking*” shall include the waiving of hourly parking fees at all City-operated facilities (excluding Municipal Parking Building No. 2 – Cinema), and all metered on-street parking spaces. The parking revenue losses will amount to approximately \$1,000 per Saturday.”

To be charged to Account No. 001-409-00-000-5-568, Mayor – Other Contributions

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

That “*Citizen Appreciation Parking*” for Saturday, November 30, 2013, and three Saturdays in December 2013 (December 7th, 14th, and 21st), to include the waiving of hourly fees at all City-operated facilities (excluding Municipal Parking Building No. 2 – Cinema), and all metered on-street parking spaces, with parking revenue losses amounting to approximately \$1,000 per Saturday, is hereby approved.

Councilman Reishman moved to approve the Resolution. Councilman Lane seconded the motion. With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution 358-13 adopted.

3. Your committee on Finance has had under consideration Resolution No. 359-13, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 359-13: Authorizing the Mayor to receive and administer grant funds in the amount of \$25,833.00 from the West Virginia Division of Justice and Community Services to partially reimburse the Victim Services Advocate salary through the Charleston Police Department.”

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 grant funds in the amount of \$25,833.00 from the West Virginia Division of Justice and Community Services to partially reimburse the Victim Services Advocate salary through the Charleston Police Department.

Councilman Reishman moved to approve the Resolution. Councilman Lane seconded the motion. With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution 359-13 adopted.

4. Your committee on Finance has had under consideration Resolution No. 360-13, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 360-13: Authorizing the Mayor to receive and administer grant funds in the amount of \$30,000 from the West Virginia Division of Justice and Community Services to reimburse City for salaries of two Prevention Resource Officers at Capital High School and Stonewall Middle School.”

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 grant funds in the amount of \$30,000 from the West Virginia Division of Justice and Community Services to reimburse City for salaries of two Prevention Resource Officers at Capital High School and Stonewall Middle School.

Councilman Reishman moved to approve the Resolution. Councilman Lane seconded the motion. With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution 360-13 adopted.

5. Your committee on Finance has had under consideration Resolution No. 361-13, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 361-13: Authorizing the Mayor to receive and administer grant funds in the amount of \$50,000 from the West Virginia Division of Justice and Community Services to partially reimburse the salaries for officers from the

Charleston, St. Albans, South Charleston, and Nitro Police Departments assigned to the MDENT Unit.”

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 grant funds in the amount of \$50,000 from the West Virginia Division of Justice and Community Services to partially reimburse the salaries for officers from the Charleston, St. Albans, South Charleston, and Nitro Police Departments assigned to the MDENT Unit.

Councilman Reishman moved to approve the Resolution. Councilman Lane seconded the motion. With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution 361-13 adopted.

6. Your committee on Finance has had under consideration Resolution No. 362-13, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 362-13 : A Resolution authorizing the Mayor or City Manager to enter into an agreement with Michael Gioulis for completion of the East End North Architecture and History Intensive Survey and the nomination of the East End North Historic District to the National Register of Historic Places. The execution of this agreement in the amount of \$40,000 is contingent upon written assurance from the Charleston Urban Renewal Authority (“CURA”) for the remittance of \$26,000 toward payment due under the agreement. The remaining \$14,000 has been received by the City from a grant from the West Virginia State Historic Preservation Office.

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

That, subject to final review and approval by the City Attorney, and contingent upon receipt of written assurance of payment of \$26,000 from the Charleston Urban Renewal Authority (“CURA”) to fund the portion of the agreement not funded by a grant from the West Virginia State Historic Preservation Office, the Mayor or City Manager is hereby authorized to enter into an agreement with Michael Gioulis for completion of the East End North Architecture and History Intensive Survey and the nomination of the East End North Historic District to the National Register of Historic Places.

Councilman Reishman moved to approve the Resolution. Councilman Lane seconded the motion. With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution 362-13 adopted.

7. Your committee on Finance has had under consideration Resolution No. 363-13, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 363-13: A Resolution authorizing the Mayor to sign a Memorandum of Understanding between the City of Charleston (the “City”) and the Greater Kanawha Valley Foundation (the “Foundation”), a copy of which is attached hereto as Exhibit A, which is intended to memorialize the practices and understanding developed by the Foundation and the City concerning reimbursement from the Mr. & Mrs. Richard H. Ayre Fund (the “Ayre Fund”) and related matters with regard to the management, maintenance, preservation and enhancement of the Carriage Trail.

WHEREAS, the Carriage Trail is maintained by the City and the Charleston Land Trust as a public green space for the enjoyment of the citizens of Charleston; and

WHEREAS, Richard and Celeste Ayre established the Ayre Fund to provide funds for maintenance and improvement of the Carriage Trail; and

WHEREAS, the Foundation administers the Ayre Fund and authorizes reimbursement to the City for certain costs related to the maintenance and improvement of the Carriage Trail; and

WHEREAS, the City and Foundation desire to memorialize the practices and understanding for reimbursement and related matters with regard to the Carriage Trail;

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

That the Mayor is hereby authorized to sign Memorandum of Understanding between the City of Charleston and the Greater Kanawha Valley Foundation, a copy of which is attached hereto as Exhibit A.

Councilman Reishman moved to approve the Resolution. Councilman Lane seconded the motion. With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution 363-13 adopted.

8. Your committee on Finance has had under consideration Resolution No. 364-13, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 364-13 – A Resolution granting the West Virginia Division of Corrections (“WVDOC”) a Deed of Easement, attached hereto as Exhibit A, permitting the use of sidewalk area abutting the WVDOC’s facility on Hansford and Milton Streets for the purpose of constructing and maintaining ramps necessary to improve the accessibility of the building. Said easement shall be subject to the terms of an agreement between the WVDOC and the City attached hereto as Exhibit B. 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, subject to final review and approval by the City Attorney and the City Engineer, the Mayor is hereby authorized to execute a Deed of Easement to the West Virginia Division of Corrections, and is further authorized to enter into an agreement with the West Virginia Division of Corrections specifying the terms and conditions for the use of the easement hereby granted.

Councilman Smith motioned to TABLE the Resolution. Councilman Sheets seconded that motion. With a majority of members elected recorded thereon as voting in the negative, the motion was defeated.

Councilman Reishman moved to approve the Resolution. Councilman Lane seconded the motion. The question being on the passage of the Resolution. A roll call was taken and there were; yeas – 21, nays – 2, absent-5, as follows:

YEAS: Burka, Burton, Clowser, Davis, Dodrill, Ealy, Haas, Harrison, Hoover, Lane, Miller, Minardi, Persinger, Reishman, Richardson, Snodgrass, Talkington, Ware, White, Mayor Jones.

NAYS: Sheets, Smith

ABSENT: Deneault, Kirk, Nichols, Russell, Salisbury

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution 364-13, passed.

9. Your committee on Finance has had under consideration Resolution No. 365-13, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 365-13: Authorizing the Mayor or City Manager to enter into an agreement with LDI Rx for pharmacy benefit management services for City Employees. The agreement is for a three year period starting January 1, 2014, and ending January 1, 2017, at the rates set forth on Attachment A.”

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 LDI Rx for pharmacy benefit management services for City Employees. The agreement is for a three year period starting January 1, 2014, and ending January 1, 2017, at the rates set forth on Attachment A

Councilman Reishman moved to approve the Resolution. Councilman Lane seconded the motion. With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution 363-13 adopted.

10. 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 Dreier & Maller of WV, Inc., in the amount of \$105,165.60, for purchase of a CCTV Video Camera Inspection System to be installed in a City van for use by the Engineering/Stormwater Department.

To be charged to Account No. 001-975-00-420-4-459, Engineering/Stormwater-Capital Outlay, Equipment.

Councilman Reishman moved to approve the Committee Report. Councilman Lane seconded the motion. With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the Committee Report adopted.

REPORTS OF OFFICERS

1. Report of the City of Charleston Municipal Court Financial Statements; September 2013.
Received and Filed
2. Report of the City of Charleston Payroll Variance Analysis; July 2013.
Received and Filed
3. Report of the City of Charleston Payroll Variance Analysis; August 2013.

Received and Filed

NEW BILLS

Introduced by Council Members Mary Jean Davis and Susie Salisbury, Mary Beth Hoover and Robert Sheets on October 7, 2013:

Bill No. 7600 - A Bill approving the modification and reenactment of the Downtown/Old Charleston Urban Renewal Plan (the “Plan”) for the City of Charleston, West Virginia, as follows: Reenact and reactivate the Plan that expired by its terms on January 1, 2008, and to extend the effective date of the Plan to January 1, 2023.

Refer to Urban Renewal Committee

Introduced by Council Members Mary Jean Davis and Susie Salisbury, Mary Beth Hoover and Robert Sheets on October 7, 2013:

Bill No. 7601 - A Bill approving the modification and reenactment of the West Side Urban Renewal Plan (the “Plan”) for the City of Charleston, West Virginia, that expired by its terms on January 1, 2005, and to extend the effective date of the Plan to January 1, 2023

Refer to Urban Renewal Committee

Introduced by Council Member Samuel Minardi on October 7, 2013:

Bill No. 7602 - A Bill to establish a No Parking Anytime Tow Away zone on Skyline Road from Clark Road to 1548 Skyline Road and amending the Traffic Control Map and Traffic Control File, established by the Code of the City of Charleston, West Virginia, two thousand three, as amended, Traffic Law, Section 263, Division 2, Article 4, Chapter 114, to conform therewith.

Refer to Streets and Traffic Committee

Introduced by Council Member Robert Reishman on October 7, 2103:

Bill No. 7603- A BILL authorizing the Mayor to accept a Deed from the West Virginia Department of Highways (“WVDOH”) for the Court Street Pump Station located on the easterly side of Court Street between Dryden Street and Welch Street.

Refer to Finance Committee

Introduced by Council Member Bob White on October 7, 2103:

Bill No. 7604- A BILL to amend and re-enact Section 54-71, as amended, and Section 54-74, as amended, of the Code of The City of Charleston for the purpose of updating definitions of care provided by Emergency Medical Service personnel, and charges for ambulance transportation provided by Charleston Fire Department Emergency Medical Services Division.

Refer to Public Safety Committee

ADJOURNMENT

The Honorable James M. Reishman, City Clerk, called the closing roll call:

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

ABSENT: Deneault, Kirk, Nichols, Russell, Salisbury

At 7:55 p.m., by a motion from Councilmember Harrison, Council adjourned until Monday, October 21, 2013, at 7:00 p.m., in the Council Chamber in City Hall.

Danny Jones, Honorable Mayor

James M. Reishman, City Clerk