



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

CITY OF CHARLESTON, WEST VIRGINIA

Regular Meeting – Monday, July 21, 2014

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 second meeting in the month of July on the 21st day, in the year 2014, 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 Councilman Ware. The Honorable James M. Reishman, City Clerk, called the roll of members and it was found that there were present at the time:

**BURKA
DAVIS
EALY
HOOVER
LANE
NICHOLS
RICHARDSON
SHEETS
TALKINGTON
MAYOR JONES**

**DENEAULT
HAAS
KIRK
MILLER
PERSINGER
RUSSELL
SMITH
WARE**

**CLOUSER
DODRILL
HARRISON
KNAUFF
MINARDI
REISHMAN
SALISBURY
SNODGRASS
WHITE**

With twenty-seven 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.

CLAIMS

1. A claim of Sharon Martin, 28 Mays, Charleston, WV; alleges damage to vehicle. *Referred to City Solicitor.*

COMMUNICATIONS

**TO: JAMES REISHMAN
CITY CLERK**

**FROM: DANNY JONES
MAYOR**

RE: BOARD OF ZONING APPEALS

DATE: JULY 21, 2014

I recommend that, Mary Jo Cleland, 222 Lee Street, West, Charleston, WV 25302, be appointed to the Board of Zoning Appeals, with an initial term to expire January 1, 2016. She is replacing Stephen Mallory.

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

The appointment was confirmed unanimously.

**TO: JAMES REISHMAN
CITY CLERK**

**FROM: DANNY JONES
MAYOR**

RE: BOARD OF ZONING APPEALS

DATE: JULY 21, 2014

I recommend that Courtland Smith, 1 Comstock Place, Charleston, WV 25314, be reappointed to the Board of Zoning Appeals, with a said term to expire January 1, 2017.

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

The appointment was confirmed unanimously.

**TO: JAMES REISHMAN
CITY CLERK**

**FROM: DANNY JONES
MAYOR**

RE: BOARD OF ZONING APPEALS

DATE: JULY 21, 2014

I recommend that, Jim Lane, 4007 Staunton Avenue, Charleston, WV 25304, be reappointed to the Board of Zoning Appeals, with a said term to expire January 1, 2017.

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

The appointment was confirmed unanimously.

**TO: JAMES REISHMAN
CITY CLERK**

**FROM: DANNY JONES
MAYOR**

RE: REGIONAL INTERGOVERNMENTAL COUNCIL

DATE: JULY 21, 2014

I recommend that, Dennis Strawn, 1109 Park Avenue, Charleston, WV 25302, be reappointed to the Regional Intergovernmental Council, with a said term to expire June 30, 2015.

I respectfully request City Council's approval of this recommendation

The appointment was confirmed unanimously.

PUBLIC HEARING

1. After duly being published as required, the Mayor declared the floor open for a Public Hearing on Resolution Number 477-14. No person from the public came to speak in reference to the Public Hearing. The Mayor declared the Public Hearing CLOSED.

REPORTS OF COMMITTEES

COMMITTEE ON STREETS AND TRAFFIC

Councilperson Joe Deneault, 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.7623, and reports the same to Council with the recommendation that the bill do pass.

Bill No. 7623 - A Bill to repeal Ordinance No. 1485 passed by Council on December 14, 1973 relating to the prohibition of left turns on Ruffner Avenue at Kanawha Blvd., East 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.

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

Section 1. Ordinance No. 1485 passed by Council on December 14, 1973 relating to the prohibition of left turns on Ruffner Avenue at Kanawha Blvd., East is hereby repealed.

Section 2. 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, 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.

Councilman Deneault moved to approve the Bill. Councilman Lane seconded the motion. The question being on the passage of the Bill. A roll call was taken and there were; yeas – 27, nays – 0, as follows:

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

With a majority of members elected recorded thereon as voting in the affirmative, the Mayor declared Bill No. 7623, adopted.

2. Your committee on Streets and Traffic has had under consideration Bill No.7624, and reports the same to Council with the recommendation that the bill do pass.

Bill No. 7624 - A Bill to repeal Ordinance No. 1041 Section 5 relating to the prohibition of Parking on Virginia Street, East from Bradford Street to a point 100 feet west of Bradford Street 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.

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

Section 1. Ordinance No. 1041, Section 5 relating to the prohibition of Parking on Virginia Street, East from Bradford Street to a point 100 feet west of Bradford Street is hereby repealed.

Section 2. 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, 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.

Councilman Deneault moved to approve the Bill. Councilman Lane seconded the motion. The question being on the passage of the Bill. A roll call was taken and there were; yeas – 27, nays – 0, as follows:

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

With a majority of members elected recorded thereon as voting in the affirmative, the Mayor declared Bill No. 7624, adopted.

3. Your committee on Streets and Traffic has had under consideration Bill No.7625, and reports the same to Council with the recommendation that the bill do pass.

Bill No. 7625 - A Bill to repeal Bill No. 7420 passed by council on 5/17/2010 relating to a handicapped parking zone on the westerly side of Elm St. from a point 30 feet south of Virginia St. W. to a point 50 feet south of Virginia St. 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.

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

Section 1. Bill No. 7420 passed by council 5/17/2010 relating to a handicapped parking zone on the westerly side of Elm St. from a point 30 feet south of Virginia St. W. to a point 50 feet south of Virginia St. is hereby repealed.

Section 2. 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, 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.

Councilman Deneault moved to approve the Bill. Councilman Lane seconded the motion. The question being on the passage of the Bill. A roll call was taken and there were; yeas – 27, nays – 0, as follows:

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

With a majority of members elected recorded thereon as voting in the affirmative, the Mayor declared Bill No. 7625, adopted.

COMMITTEE ON FINANCE

Councilperson Robert Reishman, Chairperson of the Council Committee on Finance, submitted the following reports:

1. Your committee on Finance has had under consideration Resolution No. 477-14, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 477-14: “Authorizing the Mayor or City Manager to enter into a Lease Agreement with the Religious Coalition for Community Renewal, Inc., a West Virginia nonprofit corporation (the “Tenant”), for a ten (10) year term. Tenant has the option to extend the Lease for one (1) consecutive ten (10) year period, upon the same terms and conditions contained in this Lease, by giving the City written notice at least ninety (90) days prior to the expiration date of the initial term, and subject to Council approval. The Agreement provides affordable housing for low and moderate income residents through the operation of the Smith Street Station, located at 801 Smith Street.”

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 a Lease Agreement with the Religious Coalition for Community Renewal, Inc., a West Virginia nonprofit corporation (the “Tenant”), for a ten (10) year term. Tenant has an option to extend the Lease for one (1) consecutive ten (10) year period, upon the same terms and conditions contained in this Lease, by giving the City written notice at least ninety (90) days prior to the expiration date of the initial term, and subject to Council approval. The Agreement provides affordable housing for low and moderate income residents through the operation of the Smith Street Station, located at 801 Smith Street.

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 477-14 adopted.

2. Your committee on Finance has had under consideration Resolution No. 478-14, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 478-14: “Authorizing the Mayor to execute a letter of approval and firm commitment for a 0% forgivable loan (the “Loan”) in a maximum amount not to exceed \$45,000 from the West Virginia Affordable housing Trust Fund (the “Trust Fund”) to be used to upgrade windows and HVAC systems, perform electrical work, and replace the security system in 29 units of existing rental housing known as Smith Street Station. The loan shall be for a period of twenty-four months and shall be evidenced by an unsecured Loan Agreement and Promissory Note by the City and the Trust Fund. The loan or any portion thereof advanced under the terms of the Loan Agreement shall be subject to repayment if the City fails to use the proceeds for the purpose set forth in the agreement for a period of 24 months and in accordance with the rules and regulations.”

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

That the Mayor is hereby authorized and directed to execute a letter of approval and firm commitment for a 0% forgivable loan (the “Loan”) in a maximum amount not to exceed \$45,000 from the West Virginia Affordable housing Trust Fund (the “Trust Fund”) to be used to upgrade windows and HVAC systems, perform electrical work, and replace the security system in 29 units of existing rental housing known as Smith Street Station. The loan shall be for a period of twenty-four months and shall be evidenced by an unsecured Loan Agreement and Promissory Note by the City and the Trust Fund. The loan or any portion thereof advanced under the terms of the Loan Agreement shall be subject to repayment if the City fails to use the proceeds for the purpose set forth in the agreement for a period of 24 months and in accordance with the rules and regulations.

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 478-14 adopted.

3. Your committee on Finance has had under consideration Resolution No. 479-14, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 479-14: “Authorizing the Finance Director to amend the FY 2014-2015 Coal Severance Budget as indicated on the attached list of accounts.”

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

That the Finance Director is hereby authorized and directed to amend the FY 2014-2015 Coal Severance Budget as indicated on the attached list of accounts.

Coal Severance Fund FY 2014-2015 Budget Amendment No. 1 - July 21, 2014

Account No.	Department	Account Description	Amount
002 299 00 0000	Revenue	Coal Severance Tax - Balance on Hand	(63,742)
002 000 00 000 5 566		Contributions to Other Funds	63,742

To establish the beginning balance for FY 2015.

Councilman Reishman moved to approve the Bill. Councilman Lane seconded the motion. The question being on the passage of the Resolution. A roll call was taken and there were; yeas – 27, nays – 0, as follows:

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

With a majority of members elected recorded thereon as voting in the affirmative, the Mayor declared Resolution No. 479-14, adopted.

4. Your committee on Finance has had under consideration Resolution No. 480-14, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 480-14: “Authorizing the Mayor or City Manager to enter into an agreement with J&J Emergency Vehicles Sales, in the amount of \$317,800, for purchase of two Road Rescue ambulances (\$158,900 each) to be used by the Charleston Fire Department.”

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 J&J Emergency Vehicles Sales, in the amount of \$317,800, for purchase of two Road Rescue ambulances (158,900 each) to be used by the Charleston Fire Department.

To be charged to Account No. 001-976-00-706-4-459, Fire—Capital Outlay, Equipment (SunTrust Equipment Finance & Leasing Corporation, Lease Purchase Escrow Account No. 08673, Equipment Schedule 003)

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 480-14 adopted.

5. Your committee on Finance has had under consideration Resolution No. 481-14, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 481-14: “Authorizing the City Manager to award and execute an emergency agreement with K & N Contracting, Inc., in the amount of not more than \$50,000.00, to abate an immediate danger of the collapse of Grandview Drive. The City has an emergency need for the remediation of a landslide at this site and for the contractor to perform the services and provide the materials for the project in accordance with the plans and specifications and all other terms of the agreement.”

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

That the City Manager is hereby authorized and directed to award and execute an emergency agreement with K & N Contracting, Inc., in the amount of not more than \$50,000.00, to abate an immediate danger of the collapse of Grandview Drive. The City has an emergency need for the remediation of a landslide at this site and for the contractor to perform the services and provide the materials for the project in accordance with the plans and specifications and all other terms of the agreement.

To be charged to Account No. 221-975-00-420-4-458, City Service Fee—Capital Projects

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 481-14 adopted. (Deneault – ABSTAIN)

REPORTS OF OFFICERS

1 . City Treasurer's Report to City Council Month Ending June 2014.
Received and Filed.

NEW BILLS

Introduced by Council member Bobby Reishman and Tom Lane on July 21, 2014:
Bill No. 7626: A BILL amending and re-enacting Chapter 54, Article IV, Section 54-181 of the Code of the City of Charleston to increase the fire protection fee.
Referred to Finance Committee.

Introduced by Council member Ed Talkington, Bobby Reishman, and Tom Lane on July 21, 2014:
Bill No. 7627 - A BILL amending and re-enacting Chapter 98, Article II, Division 2, Section 98-71 of the Code of the City of Charleston to increase the charge refuse collection.
Referred to Environment and Recycling Committee and Finance Committee

ADJOURNMENT

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

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

ABSENT: Burton

At 7:25 p.m., by a motion from Councilmember Harrison, Council adjourned until Monday, August 4, 2014, at 7:00 p.m., in the Council Chamber in City Hall.

Danny Jones, Honorable Mayor

James M. Reishman, City Clerk