

**JOURNAL
OF THE
COUNCIL
CITY OF CHARLESTON**

WEST VIRGINIA

August 19, 2013

THE COUNCIL MET IN THE CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE SECOND MEETING IN THE MONTH OF AUGUST ON THE 19th DAY, IN THE YEAR 2013, AND WAS CALLED TO ORDER BY THE HONORABLE MAYOR, DANNY JONES. THE INVOCATION WAS DELIVERED BY COUNCILMAN EALY AND THE PLEDGE OF ALLEGIANCE WAS LED BY A JEEVAN MURTHY.

**BURKA
DAVIS
EALY
HOOVER
MILLER
PERSINGER
RUSSELL
SMITH
TALKINGTON
MAYOR JONES**

**BURTON
DENEALT
HAAS
KIRK
MINARDI
REISHMAN**

**CLOWSER
DODRILL
LANE
NICHOLS
RICHARDSON
SHEETS
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

1. Madeline Berry
2. Thomas Dotson
3. Chelsea Staley

CLAIMS

1. A claim of Tina Sevy, 5205 Washington Ave., SE1404 Myers Avenue, Dunbar, WV; alleges damage to property.
Refer to City Solicitor.
2. A claim of Luther Lasure, 3910 Noyes Ave., Charleston, WV; alleges damage to property.
Refer to City Solicitor.
3. A claim of Vanessa Miller, 830 Westminster Way, Charleston, WV; alleges damage to vehicle.
Refer to City Solicitor.
4. A claim of Thomas Adams, 2706 Lincoln Ave., St. Albans, WV; damage to property.
Refer to City Solicitor.

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. 7587, and reports the same to Council with the recommendation that the bill do pass.

Bill No. 7587 - A Bill to create a No Parking Anytime Tow Away zone on the north side of Palm Drive from a point 54 feet east of Falcon Drive to a point 254 feet east of Falcon Drive 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 the north side of Palm Drive from a point 54 feet east of Falcon Drive to a point 254 feet east of Falcon Drive 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, Deneault, Dodrill, Ealy, Haas, Hoover, Kirk, Lane, Miller, Minardi, Nichols, Persinger, Reishman, Richardson, Sheets, Smith, Russell, Talkington, White, Mayor Jones.

ABSENT: Harrison, Salisbury, Snodgrass, Stjaduhar, Ware

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7587, passed.

2. Your Committee on Streets and Traffic has had under consideration Bill No. 7588, and reports the same to Council with the recommendation that the bill do pass.

Bill 7588 - A Bill to establish a parking zone for the exclusive use of the physically disabled on the westerly side of 39th Street, S.E. from a point 27 feet north of Venable Avenue to a point 49 feet north of Venable Avenue, Charleston, West Virginia and to provide for the removal of vehicles illegally parked in this space and amending the Traffic Control Map, 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 handicapped parking only zone is hereby established for the exclusive use of the physically disabled on the westerly side of 39th Street, S.E. from a point 27 feet north of Venable Avenue to a point 49 feet north of Venable Avenue, Charleston, W.Va.

Section 2. In order for a physically disabled person to utilize the parking space provided in the preceding section, the vehicle which they are driving or in which they are being transported must display the distinguishing insignia provided for in West Virginia Code, Chapter 17C, Article 13, Section 6.

Section 3. It shall be unlawful for any vehicle not displaying the insignia provided for in Section 2 to park in the space provided for in Section 1. Any vehicle in violation of this section may be ticketed as provided for in West Virginia Code, Chapter 17C, Article 13, Section 6.

Section 4. 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.

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, Deneault, Dodrill, Ealy, Haas, Hoover, Kirk, Lane, Miller, Minardi, Nichols, Persinger, Reishman, Richardson, Sheets, Smith, Russell, Talkington, White, Mayor Jones.

ABSENT: Harrison, Salisbury, Snodgrass, Stjaduhar, Ware

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7588, passed.

3. Your Committee on Streets and Traffic has had under consideration Bill No. 7590, and reports the same to Council with the recommendation that the bill do pass.

Bill No. 7590 - A Bill to create a No Parking Anytime Tow Away Zone on the southerly side of Donnally Street from Dominion Place to a point 42 feet west of Dominion Place 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. No Parking Anytime Tow Away Zone on the southerly side of Donnally Street from Dominion Place to a point 42 feet west of Dominion Place 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, Deneault, Dodrill, Ealy, Haas, Hoover, Kirk, Lane, Miller, Minardi, Nichols, Persinger, Reishman, Richardson, Sheets, Smith, Russell, Talkington, White, Mayor Jones.

ABSENT: Harrison, Salisbury, Snodgrass, Stjaduhar, Ware

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7590, passed.

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 347-13, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 347-13 : “Authorizing the Mayor or City Manager to enter into an Agreement, a copy of which is attached hereto and made a part hereof, between the City of Charleston (“City”) and the West Virginia Department of Transportation, Division of Highways (“Department”), for installation of a highway lighting system along West Virginia 61, Southside Expressway/MacCorkle Avenue – Project U320-61-24-10, and adopting terms and conditions with respect to duties and responsibilities of the City and the Department for the future maintenance and operation of said highway lighting system.”

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, a copy of which is attached hereto and made a part hereof, between the City of Charleston (“City”) and the West Virginia Department of Transportation, Division of Highways (“Department”), for installation of a highway lighting system along West Virginia 61, Southside Expressway/MacCorkle Avenue – Project U320-61-24-10, and adopting terms and conditions with respect to duties and responsibilities of the City and the Department for the future maintenance and operation of said highway lighting system.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 347-13 adopted.

2. Your Committee on Finance has had under consideration Resolution No 348-13, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 348-13 : “Authorizing the Mayor and the Chief of Police to enter into an Agreement with the United States Department of Justice, Drug Enforcement Administration (“DEA”), for participation in the West Virginia DEA High Intensity Drug Trafficking Areas (“HIDTA”) Task Force.”

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

That the Mayor and Chief of Police are authorized and directed to enter into an Agreement with the United States Department of Justice, Drug Enforcement Administration (“DEA”), for participation in the West Virginia DEA High Intensity Drug Trafficking Areas (“HIDTA”) Task Force.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 348-13 adopted.

REPORTS OF OFFICERS

1. Report of the City of Charleston Municipal Court Financial Statements; July 2013.
Received and Filed.
2. Report of the City of Charleston Payroll Variance Analysis; June 2013.
Received and Filed.
3. City Treasurer's Report to City Council Month Ending July 2013.
Received and Filed.

NEW BILLS

Introduced by Council members Tom Lane, Jack Harrison, and Bobby Reishman on August 19, 2013:

Bill No. 7596 – An Ordinance repealing Chapter 118, Article III, Division 5 “General Discharge Restrictions” and Division 6 “Industrial Discharges” of the code of the City of Charleston, West Virginia, in their entirety, and enacting Chapter 118, Article III, Division 6, “Discharge Restrictions” with respect to wastewater use and pretreatment regulations.

Refer to Ordinance and Rules Committee.

Introduced by Council members Tom Lane, Jack Harrison, Courtney Persinger, Joe Deneault and Mike Clowser on August 19, 2013:

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.

Refer to Ordinance and Rules Committee.

ROLL CALL

The Clerk called the roll:

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

ABSENT: Harrison, Salisbury, Snodgrass, Stjaduhar, Ware

At 7:25 p.m., by a motion from Councilmember Lane, Council adjourned until Tuesday September 3, 2013, at 7:00 p.m.

Danny Jones, Honorable Mayor

James M. Reishman, City Clerk