

**JOURNAL
OF THE
COUNCIL
CITY OF CHARLESTON**

WEST VIRGINIA

August 5, 2013

THE COUNCIL MET IN THE CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE FIRST MEETING IN THE MONTH OF AUGUST ON THE 5TH 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 MEMBER OF THE PUBLIC.

**BURKA
DAVIS
EALY
HOOVER
MILLER
PERSINGER

SMITH
TALKINGTON
MAYOR JONES**

**BURTON
DENEALT
HAAS
KIRK

REISHMAN
SALISBURY
SNODGRASS
WARE**

**CLOWSER
DODRILL
HARRISON
LANE
NICHOLS
RICHARDSON
SHEETS
STAJDUHAR
WHITE**

WITH TWENTY-SIX 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. Michael Beulike
2. Susan Myers
3. Jerry Myers
4. John Taylor
5. Chuck Chapman

CLAIMS

1. A claim of Timothy Tarr, 1404 Myers Avenue, Dunbar, WV; alleges damage to vehicle.

Refer to City Solicitor.

2. A claim of Olumunmi Kusimo-Frazier, 709 Amity Drive, Charleston, WV; alleges damage to vehicle.

Refer to City Solicitor.

3. A claim of Terri Williams, 1960 Parkwood Rd., WV; alleges damage to property.

Refer to City Solicitor.

4. A claim of Sharon Dunbar, 5220 Kentucky St., South Charleston, WV; alleges damage to vehicle.

Refer to City Solicitor.

COMMUNICATIONS

Resolution No. 346-13

Introduced in Council

August 5, 2013

Andy Richardson, Mary Jean Davis, Jerry Ware, Mike Clowser, Rick Burka, Rev. James D. Ealy, Robert Sheets, Jack Harrison and John Miller

WHEREAS: With a history that dates back to 1876 and a memorable school building that opened in 1926, Charleston High School was not only an institution for effective education in Charleston but also a melting pot of very different people among faculty and students who worked together, learned together and grew together over many generations; and

WHEREAS: Known as the home of the Mountain Lions in sports and a spacious auditorium that served as the city's primary performance hall space before the Municipal Auditorium opened, Charleston High School was in the heart of our city and in the hearts of our citizens for more than six decades; and

WHEREAS: Charleston High School promoted community pride through excellence in academics that produced leaders for our state and city, in music (particularly through the nationally recognized marching band), and in all

interscholastic athletics that produced perennial powerhouses in football, basketball, track, and tennis; and

WHEREAS: While Charleston High School closed in 1989, its legacy still lives on through many people who attended the school throughout the 20th century; and

WHEREAS: About 2,000 of those people, including alumni from as far back as 1936, are scheduled to attend the second-ever Charleston High School All Class Reunion on Saturday, August 10, 2013 at the Charleston Civic Center; and

WHEREAS: Several other gatherings of friends and classmates will begin on Friday, August 9 at venues throughout Charleston as alumni from different eras meet to look back at their history and forward to their futures.

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

That August 9 – 11, 2013 shall be designated as

CHARLESTON HIGH SCHOOL
ALL CLASS REUNION WEEKEND

In the City of Charleston in honor of the many different people who will visit our city for reunions that weekend and the many ways the legacy of Charleston High School lives on in our community and beyond.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 346-13 adopted.

TO: JAMES REISHMAN, CITY CLERK

FROM: DANNY JONES, MAYOR

RE: HALLOWEEN 2013

DATE: AUGUST 5, 2013

I recommend that October 31, 2013 from the hours of 6:00 until 8:00 be designated as Trick or Treat in the City of Charleston.

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

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared October 31, 2013 as Trick or Treat night approved.

TO: JAMES REISHMAN
CITY CLERK

FROM: DANNY JONES
MAYOR

RE: CIVIC CENTER BOARD

DATE: AUGUST 5, 2013

I recommend that A. Lawrence Crimmins, 51 North Abney Circle, Charleston, WV 25314, be reappointed to the Civic Center Board, with a said term to expire June 22, 2016.

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

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the appointments confirmed.

TO: JAMES REISHMAN
CITY CLERK

FROM: DANNY JONES
MAYOR

RE: CHARLESTON SANITARY BOARD

DATE: AUGUST 5, 2013

I recommend that John Michael Johnson, 2156 Kay Neva Lane, Charleston, WV 25312, be reappointed to the Charleston Sanitary Board, with a said term to expire March 17, 2016.

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

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the appointments confirmed.

TO: JAMES REISHMAN
CITY CLERK

FROM: DANNY JONES
MAYOR

RE: MUNICIPAL PLANNING COMMISSION

DATE: AUGUST 5, 2013

I recommend that Watson Terry, 1110 Barton Street, Charleston, WV 25302, be reappointed to the Municipal Planning Commission, with a said term to expire July 1, 2016.

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

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the appointments confirmed.

TO: JAMES REISHMAN
CITY CLERK

FROM: DANNY JONES
MAYOR

RE: CHARLESTON CONVENTION & VISITORS BUREAU

DATE: AUGUST 5, 2013

I recommend that Mary Jean Davis, 1527 Dogwood Road, Charleston, WV 25314, be reappointed to the Charleston Convention & Visitors Bureau, with a said term to expire February 17, 2016.

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

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the appointments confirmed.

TO: JAMES REISHMAN
CITY CLERK

FROM: DANNY JONES
MAYOR

RE: CHARLESTON CONVENTION & VISITORS BUREAU

DATE: AUGUST 5, 2013

I recommend that Richard Eaton, 100 Civic Center Drive, Charleston, WV 25301, be reappointed to the Charleston Convention & Visitors Bureau, with a said term to expire February 17, 2016.

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

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the appointments confirmed.

TO: JAMES REISHMAN
CITY CLERK

FROM: DANNY JONES
MAYOR

RE: CHARLESTON CONVENTION & VISITORS BUREAU

DATE: AUGUST 5, 2013

I recommend that Dan Foster, 701 Crawford Road, Charleston, WV 25314, be reappointed to the Charleston Convention & Visitors Bureau, with a said term to expire February 17, 2016.

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

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the appointments confirmed.

TO: JAMES REISHMAN
CITY CLERK

FROM: DANNY JONES
MAYOR

RE: CHARLESTON CONVENTION & VISITORS BUREAU

DATE: AUGUST 5, 2013

I recommend that Ted Lawson, 100 Bank One Plaza, Charleston, WV 25301, be reappointed to the Charleston Convention & Visitors Bureau, with a said term to expire February 17, 2016.

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

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the appointments confirmed.

TO: JAMES REISHMAN
CITY CLERK

FROM: DANNY JONES
MAYOR

RE: MUNICIPAL PLANNING COMMISSION

DATE: AUGUST 5, 2013

I recommend that Jesse Forbes, 1118 Kanawha Boulevard East, Charleston, WV 25301, be reappointed to the Municipal Planning Commission, with a said term to expire July 1, 2016.

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

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the appointments confirmed.

TO: JAMES REISHMAN
CITY CLERK

FROM: DANNY JONES
MAYOR

RE: BOARD OF ZONING APPEALS

DATE: AUGUST 5, 2013

I recommend that William Hairston, 5316 Venable Avenue, S.E., Charleston, WV 25304, be reappointed to the Board of Zoning Appeals, with a said term to expire January 1, 2016.

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

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the appointments confirmed.

TO: JAMES REISHMAN
CITY CLERK

FROM: DANNY JONES
MAYOR

RE: BOARD OF ZONING APPEALS

DATE: AUGUST 5, 2013

I am recommending that Stephen Mallory, 400 Mountain View, Charleston 25314 be reappointed to the Board of Zoning Appeals, with a said term to expire January 1, 2016.

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

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the appointments confirmed.

TO: JAMES REISHMAN
CITY CLERK

FROM: DANNY JONES
MAYOR

RE: CHARLESTON CONVENTION AND VISITORS BUREAU

DATE: AUGUST 5, 2013

I recommend that Jack Harrison, 1116 Shamrock Road, Charleston, WV 25314 be reappointed to the Charleston Convention and Visitors Bureau Board, with a said term to expire February 17, 2016.

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

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the appointments confirmed.

TO: JAMES REISHMAN
CITY CLERK

FROM: DANNY JONES
MAYOR

RE: KANAWHA-CHARLESTON BOARD OF HEALTH

DATE: AUGUST 5, 2013

I recommend that Bobby Reishman, 1409 Somerlayton Drive, Charleston, WV 25314 be reappointed to the Kanawha-Charleston Board of Health, with a said term to expire June 30, 2018.

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

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the appointments confirmed.

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 340-13, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 340-13 ____: "Authorizing the Finance Director to amend the FY 2013-2014 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 the FY 2013-2014 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 – 26, absent-2, as follows:

YEAS: Burka, Burton, Clowser, Davis, Deneault, Dodrill, Ealy, Haas, Harrison, Hoover,

Kirk, Lane, Miller, Nichols, Persinger, Reishman, Richardson, Salisbury, Sheets, Smith, Snodgrass Stajduhar, Talkington, Ware, White, Mayor Jones.

ABSENT: Minardi, Russell

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 340-13, adopted.

2. Your Committee on Finance has had under consideration Resolution No 341-13, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 341-13 : “Authorizing the Mayor or City Manager to enter into an Agreement with Garcie R. Marker & Sons, Inc., in the amount of \$211,500, for the Concrete Curb and Sidewalk project.”

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 Garcie R. Marker & Sons, Inc., in the amount of \$211,500, for the Concrete Curb and Sidewalk project.

The question being on the adoption of the Resolution. A roll call was taken and there were; yeas – 26, absent-2, as follows:

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

ABSENT: Minardi, Russell

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 341-13, adopted.

3. Your Committee on Finance has had under consideration Resolution No 342-13, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 342-13 : “Authorizing the Mayor or City Manager to sign Change Order No. 2 with Fields Excavating, Inc., in the amount of \$5,625.00, for the Court Street Pump Station Improvements project, providing for the changes indicated on Attachment A. This change order increases the contract price from \$491,333.79 to \$496,958.79.”

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 sign Change Order No. 2 with Fields Excavating, Inc., in the amount of \$5,625.00, for the Court Street Pump Station Improvements project, providing for the changes indicated on Attachment A. This change order increases the contract price from \$491,333.79 to \$496,958.79.

With a majority of members elected recorded thereon as voting in the affirmative the

Mayor declared Resolution No. 342-13 adopted.

4. Your Committee on Finance has had under consideration Resolution No 343-13, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 343-13 _____: “Approving settlement of pending litigation, captioned *Glenna Mason and Donald Mason v. City of Charleston, West Virginia*, Civil Action No. 11-C-2115, Kanawha County Circuit Court, Judge James C. Stucky, in the amount of \$20,000.00 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 May 28, 2010, 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, c captioned *Glenna Mason and Donald Mason v. City of Charleston, West Virginia*, Civil Action No. 11-C-2115, Kanawha County Circuit Court, Judge James C. Stucky, in the amount of \$20,000.00, 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 May 28, 2010 incident.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 343-13 adopted.

5. Your Committee on Finance has had under consideration Resolution No 344-13, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 344-13 _____: “Authorizing the Finance Director to establish Fund 427, City of Charleston Development District No. 1 - Civic and Convention Center Project, to receive Tax Incremental Financing District (TIFD) property tax revenue and account for expenses incurred and/or debt issued for the “TIF Project” which consists of renovating, equipping, and expanding the Charleston Civic Center, to include creating a walking trail connected to the Charleston Civic Center and paying engineering, administrative and other professional costs related to the Project.”

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

That the Finance Director is hereby authorized and directed to establish Fund 427, City of Charleston Development District No. 1 – Civic and Convention Center Project, to receive Tax Incremental Financing District (TIFD) property tax revenue and account for expenses incurred and/or debt issued for the “TIF Project” which consists of renovating, equipping, and expanding the Charleston Civic Center, to include creating a walking trail connected to the Charleston Civic Center and paying engineering, administrative and other professional costs related to the Project

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 344-13 adopted.

6. Your Committee on Finance has had under consideration Resolution No 345-13, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 345-13 : “Authorizing the Finance Director to amend the FY 2013-2014 General Fund 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 2013-2014 General Fund 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 – 26, absent-2, as follows:

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

ABSENT: Minardi, Russell

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 345-13, adopted.

7. Your committee on Finance has under consideration a bid submitted by Morton Salt, in the amount of \$51.36 per ton, for purchase of salt to be used by the Street Department on an as needed basis for snow and ice removal. To be charged to Account No. 001-750-00-000-3-359, Street—Snow Removal Materials

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the Committee Report adopted.

8. Your committee on Finance has under consideration a bid submitted by American Asphalt of West Virginia for purchase of Bituminous Concrete (asphalt) on an as needed basis at \$69.00 per ton for Wearing Course Material Type 1; and \$64.00 per ton for Patching and Leveling Material Leveling Material Type 1 to be used by the Street Department. To be charged to Account No. 001-750-00-000-3-341, Street—Materials & Supplies

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the Committee Report adopted.

9. A Your committee on Finance has under consideration a bid submitted by Essroc Ready Mix for purchase of Portland Cement Concrete to be used by the Street Department on an as needed basis at the prices listed on the attached tabulation sheet. To be charged to Account No. 001-750-00-000-3-341, Street—Materials & Supplies

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the Committee Report adopted.

10. Your committee on Finance has under consideration a bid submitted by Martin Marietta Aggregates for purchase of various classes and sizes of aggregate at the prices listed on the attached tabulation sheet. The aggregate will be used by the Street Department on projects undertaken throughout Fiscal Year 2013-2014. To be charged to Account No. 001-750-00-000-3-341, Street—Materials & Supplies

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the Committee Report adopted.

NEW BILLS

Introduced by Council member Mary Jean Davis on August 5, 2013:

Bill No 7586 – 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-8 district to a R-O district, that certain parcel of land situated at 933 Oakhurst Drive, Charleston, West Virginia.

Refer to Municipal Planning Commission and Planning Committee.

Introduced by Council member Robert Sheets on August 5, 2013:

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.

Refer to Streets and Traffic Committee.

Introduced by Council member Jack Harrison on August 5, 2013:

Bill No. 7592 - A BILL to amend Chapter 14, Article II, Section 14-33 of the Municipal Code of the City of Charleston for the purpose of updating the Building Code of the City of Charleston to be consistent with the recently amended State Building Code as set forth in W. Va. Code § 29-3-5, and State of West Virginia Title 87, Legislative Rule Series 4 (§ 87-4-1 et seq.).

Refer to Ordinance and Rules Committee.

ROLL CALL

The Clerk called the roll:

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

ABSENT: Minardi, Russell,

At 7:35 p.m., by a motion from Councilmember Harrison, Council adjourned until Monday, August 19, 2013, at 7:00 p.m.

Danny Jones, Honorable Mayor

James M. Reishman, City Clerk