

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

**June 3, 2013**

**THE COUNCIL MET IN THE CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE FIRST MEETING IN THE MONTH OF JUNE ON THE 3<sup>rd</sup> DAY, IN THE YEAR 2013, AND WAS CALLED TO ORDER BY THE HONORABLE MAYOR, DANNY JONES. THE INVOCATION WAS DELIVERED BY HARRISON AND THE PLEDGE OF ALLEGIANCE WAS LED BY BOYS TO MEN MENTORING PROGRAM.**

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

**BURTON  
DENEALT  
HAAS  
KIRK  
MINARDI  
REISHMAN  
SALISBURY  
  
WARE**

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

**WITH TWENTY- FIVE 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**

NONE

**CLAIMS**

1. A claim of Andrea Hinerman, 7 Timberline Place, Charleston, WV; alleges damage to vehicle.

Refer to City Solicitor.

**APPOINTMENTS**

TO: JAMES REISHMAN  
CITY CLERK

FROM: DANNY JONES  
MAYOR

RE: HUMAN RIGHTS COMMISSION

DATE: JUNE 3, 2013

I recommend that DeAnn G. Hill, 2106 Kanawha Boulevard East, Charleston, WV 25311, be reappointed to the Human Rights Commission, with a said term to expire June 30, 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 appointment confirmed.

TO: JAMES REISHMAN  
CITY CLERK

FROM: DANNY JONES  
MAYOR

RE: HUMAN RIGHTS COMMISSION

DATE: JUNE 3, 2013

I recommend that Gale Teare, 1565 Virginia Street East, Charleston, WV 25311, be reappointed to the Human Rights Commission, with a said term to expire June 30, 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 appointment confirmed.

TO: JAMES REISHMAN  
CITY CLERK

FROM: DANNY JONES  
MAYOR

RE: HUMAN RIGHTS COMMISSION

DATE: JUNE 3, 2013

I recommend that Greg Proctor, 1523 Jackson Street, Charleston, WV 25311, be reappointed to the Human Rights Commission, with a said term to expire June 30, 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 appointment confirmed.

***MISCELLANEOUS RESOLUTIONS***

Resolution No. 322 -13  
Introduced in Council  
June 3, 2013

Rev. James D. Ealy, Ed Talkington, Bob White, Mary Jean Davis, Kasey Russell, Tom Lane, Jack Harrison, Joe Deneault, Andy Richardson, Mike Nichols, Jerry Ware, John Miller, Mike Stajduhar.

WHEREAS: In an effort to break the cycle of drug abuse and violence in our local neighborhoods, the Boys To Men Mentoring Program was established 17 months ago at the Second Avenue Center on the West Side of Charleston with an objective of empowering our young men though education, self-examination and cultural exposure; and

WHEREAS: The participating young men have positively impacted an entire community with their strong desire to excel and rise above a pre-determined standard of failure and recycled despair; and

WHEREAS: The initial group of 21 young men has expanded academically from two honor roll students to 14 honor roll students – and counting – in just one school year, and the absenteeism rate of the young men touched by the program has dropped from an average of 12 days per grading period down to two excused absences; and

WHEREAS: During the past 17 months, the Boys to Men program has expanded the horizons of the young men participating with visits to the White House, the United States Capitol Building, the Air Force Museum in Dayton, the United States Secret Service Agency headquarters (with a hands on look at the presidential fleet), the Charleston Police Department, the Clay Center for different activities, the Charleston Civic Center for the Harlem Globetrotters and the Ringling Brothers/Barnum and Bailey Circus, among other fun and rewarding activities; and

WHEREAS: In addition to fun activities, such as bowling and fishing trips, the young men have also participated in community service, including a neighborhood cleanup last month; and

WHEREAS: Mentors from our community volunteer to serve as role models while providing valuable advice, counseling, encouragement and guidance, and these men include: Denny Westover, Charleston Police Corporal Errol Randle, Bob Hardy, Special Agent Ron Layton, Special Agent John Foster, Deacon Kevin Watkins, Tom Sweeney, Scott Johnson and Rev, James Ealy; with valuable assistance from “Den Mothers” Teresa Brown Johnson, Beverly Brownlow, Donna Badger and Mary Gray; and

WHEREAS: Because of the success of this program, young ladies in the community have sought to begin a similar initiative, and the Sister to Sister Mentoring Program has been formed.

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

That we, the elected leaders of Charleston, congratulate the young men participating in the Boys to Men Mentoring Program in Charleston, encourage them to continue their lives in the positive direction they are heading, and express appreciation for the adults who are guiding young men to better lives and, as a direct result, a better future for our city.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 322-13 adopted.

### **PLANNING**

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

1. Your Committee on Planning has had under consideration Bill No. 7563, and reports

the same to Council with the recommendation that the Bill do pass.

Bill No.7563 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 R-4 district to a C-8 district, that certain parcel of land situate at 309 50th 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 a C-8 district the whole of the following described parcel of land:

Parcel No. 30 as shown on Kanawha City Tax Map No.13. Subject parcel commonly known as 309 50th 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, 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 – 25, absent-3, as follows:

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

ABSENT: Clowser, Russell, Snodgrass

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7563, passed.

2. Your Committee on Planning has had under consideration a request to name an unnamed drive located at 1921 Washington Street West to Timothy Way and made a part thereof. Your committee finds the request complies with E911 Addressing Regulations and reports the same to council with the recommendation that the drive be named Timothy Way.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the street name Timothy Way approved.

### **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 316-13, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 316-13 : “Authorizing the Mayor or City Manager to enter into an Agreement with D&S Contractors, in the amount of \$691,220, for the Garrison Avenue Storm Sewer Rehabilitation 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 D&S Contractors, in the amount of \$691,220, for the Garrison Avenue Storm Sewer Rehabilitation project.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 316-13 adopted.

2. Your Committee on Finance has had under consideration Resolution No 317-13, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 317-13 : “Authorizing the Mayor or City Manager to sign a grant application to the West Virginia State Police Commission on Drunk Driving Prevention for funds in the amount of \$15,000 to provide support for DUI checkpoints and road patrols by the Charleston Police 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 sign a grant application to the West Virginia State Police Commission on Drunk Driving Prevention for funds in the amount of \$15,000 to provide support for DUI checkpoints and road patrols by the Charleston Police Department.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 317-13 adopted.

3. Your Committee on Finance has had under consideration Resolution No 318-13, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 318-13 “Authorizing the Mayor to sign and submit all related documents for the change of scope for Community Participation Grant Program Project No.12LEDA0083, Charleston Area Alliance. The grant was initially awarded to acquire and develop a shovel-ready site in the Kanawha Valley. The Charleston Area Alliance requests a change in scope of the project because the grant award was denied by the West Virginia Development Office since the property is not publicly owned. The request for the change in scope is to apply the funds to the ADA-Compliant Restrooms project to support its training/conference room utilized by numerous business, community and non-profit organizations.”

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 all related documents for the change of scope for Community Participation Grant Program Project No. 12LEDA0083, Charleston Area Alliance. The grant was initially awarded to acquire and develop a shovel-ready site in the Kanawha Valley. The Charleston Area Alliance requests a change in scope of the project because the grant award was denied by the West Virginia Development Office since the property is not publicly owned. The request for the change in scope is to apply the funds to the ADA-Compliant Restrooms project to support its training/conference room utilized by numerous business, community and non-profit organizations.

The question being on the adoption of the Resolution. A roll call was taken and there were; yeas – 25, absent-3, as follows:

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

ABSENT: Clowser, Russell, Snodgrass

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 318-13 adopted.

4. Your Committee on Finance has had under consideration Resolution No 319-13, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 319-13 : “Authorizing the Mayor to sign and submit all related documents for the change of scope for Community Participation Grant Program Project No. 10LEDA0046, West Side Main Street. The grant was initially awarded to be used for façade renovations to improve the appearance of buildings along the West Side business corridor. The West Side Main Street requests a change in scope to apply the funds to purchase a new laptop computer with docking station and a new website.”

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 all related documents for the change of scope for Community Participation Grant Program Project No. 10LEDA0046, West Side Main Street. The grant was initially awarded to be used for façade renovations to improve the appearance of buildings along the West Side business corridor. The West Side Main Street requests a change in scope to apply the funds to purchase a new laptop computer with docking station and a new website.

The question being on the adoption of the Resolution. A roll call was taken and there were; yeas – 24, absent- 3, abstain – 1, as follows:

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

ABSENT: Clowser, Russell, Snodgrass

ABSTAIN: Stajduhar

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resoluion No. 319-13 adopted.

5. Your Committee on Finance has had under consideration Resolution No 320-13, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 320-13 : “Authorizing the Mayor or City Manager to sign a Lease Agreement with the Kanawha County Board of Education for use of space in the Martin Luther King Community Center to conduct Head Start programs, pursuant to the authority granted the City of Charleston under West Virginia State Code Section 8-12, and upon final review and approval of the Agreement by legal counsel for the City. The Agreement is for a one year period commencing on July 1, 2013, and ending on June 30, 2014.”

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 a Lease Agreement with the Kanawha County Board of Education for use of space in the Martin Luther King Community Center to conduct Head Start programs, pursuant to the authority granted the City of Charleston under West Virginia State Code Section 8-12, and upon final review and approval of the Agreement by legal counsel for the City. The Agreement is for a one year period commencing on July 1, 2013, and ending on June 30, 2014.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 320-13 adopted.

6. Your Committee on Finance has had under consideration Resolution No 321-13, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 321-13 : “Authorizing the Finance Director to amend the 2012-2013 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 2012-2013 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 – 25, absent-3, as follows:

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

ABSENT: Clowser, Russell, Snodgrass

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resoltuion No. 321-13 adopted.

7. A bid submitted by MSCNS, in the amount of \$73,649.25, for purchase of 45 Dell Optiplex computers for the Information Systems Department to install in City departments scheduled on the computer replacement program to receive new equipment. To be charged to Account No. 001-975-00-439-4-459, I.S. Dept., Capital Outlay, Equip.

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

8. A bid submitted by Frontier Communications, in the amount of \$93,672 annually, for purchase of Multiprotocol Label Switching Network and Internet Connections for the I.S. Department. These connections will replace, add, and in some areas improve the City's current network data connections. To be charged to Account No. 001-975-00-439-4-459, I.S. Dept.—Capital Outlay, Equip.

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

9. A bid submitted by Finley Fire Equipment Co., Inc., in the amount of \$119,439, for purchase of twenty-three (23) Air Mask Systems to be used by the Charleston Fire Department. To be charged to Account No. 001-976-00-706-4-459, Fire—Capital Outlay, Equipment

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

10. A proposal submitted by Stephens Auto Center, in the amount of \$55,298, for purchase of a Ford F-550 Recycling Truck to be used by the Refuse Collection & Recycling Department. To be charged to Account No. 001-978-00-800-4-459, Refuse Collection & Recycling— Capital Outlay, Equipment

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 Financial Statements for the Ten-Month period ended April 30, 2013.  
Received and Filed.

## NEW BILLS

Introduced by Council members Mary Jean Davis, Jack Harrison, Joe Deneault, Kasey Russell, and Mary Beth Hoover on June 3, 2013:

Bill No. 7579 amending the Zoning Ordinance for the City of Charleston, West Virginia, adopted November 21, 2005 to amend the land use table to provide for urban agriculture, community gardens and urban farms as either a permitted use or conditional use in certain in zoning districts and to provide supplemental regulations pertaining to said uses.

Refer to Municipal Planning Commission and Planning Committee.

Introduced by Council members James Ealy and Mike Stajduhar on June 3, 2013:

Bill No. 7580 - A Bill to repeal Ordinance No. 7419 passed by Council on May 3, 2010 relating to a prohibition of westbound vehicular traffic on Sixth Street between Hunt Avenue and Russell 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 Streets and Traffic Committee.

Introduced by Council member Jack Harrison on June 3, 2013:

Bill No. 7581: "A BILL to amend Chapter 3, Section 16 of the Code of the City of Charleston regarding design-build procurement.

Refer to Rules and Ordinance Committee.

Introduced by Council member Jack Harrison on June 3, 2013:

Bill No. 7582 A Bill to amend Chapter 3, Section 26 of the Code of the City of Charleston regarding the enforcement of external sanitation and common nuisance violations.

Refer to Rules and Ordinance Committee.

## ROLL CALL

*The Clerk called the roll:*

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

ABSENT: Clowser, Russell, Snodgrass

At 7:30 p.m., by a motion from Councilmember Harrison, Council adjourned until Monday, June 17, 2013, at 7:00 p.m.

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Danny Jones, Honorable Mayor

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James M. Reishman, City Clerk