

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

January 20, 2009

THE COUNCIL MET IN CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE SECOND MEETING IN THE MONTH OF JANUARY ON THE 20th DAY, IN THE YEAR 2009, AND WAS CALLED TO ORDER BY THE HONORABLE MAYOR, DANNY JONES. THE INVOCATION WAS DELIVERED BY DEITZLER AND THE PLEDGE OF ALLEGIANCE WAS LED BY CLOUSER.

**BURTON
DEITZLER
HANNA
HIGGINS
KNAUFF

REISHMAN
SHEETS
WARE
MAYOR JONES**

**CLOUSER
EALY
HARRIS
JONES
LANE
PAYNE
RUSSELL
SMITH**

**DAVIS
HALL
HARRISON
KIRK
LANHAM
REED
SALISBURY
TALKINGTON
WHITE**

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. None

CLAIMS

1. A claim of Vania Riddle, 5 Estill Drive, Charleston, WV; alleges damage to property. . Refer to City Solicitor

COMMUNICATIONS

Certificate of Appreciation presented to Alainia Wright.

The Clerk read the Planning Communication:

Dear Mayor Jones and Councilmember's

On January 7, 2009 the Municipal Planning Commission held public hearings and its regular monthly meeting. The following case should be referred to the Planning Committee of Council.

Bill #7374

Petition of the City of Charleston to amend the Zoning Ordinance of the City of Charleston, West Virginia enacted January 1, 2006, and the map made a part thereof, by establishing C-10 General Commercial Zoning on the property being annexed into the City of Charleston located at 140 Greenbrier Street.

Sincerely,
Municipal Planning Commission
Phyllis White

The Mayor referred the Case to the Planning Committee of Council.

The Clerk read the appointments:

TO: JAMES REISHMAN
CITY CLERK

FROM: DANNY JONES
MAYOR

RE: CHARLESTON CONVENTION AND VISITORS BUREAU BOARD

DATE: JANUARY 20, 2009

I recommend that Jim Buckalew, 2111 Kanawha Avenue, SE, Charleston, WV 25304, be appointed to the Charleston Convention and Visitors Bureau Board, with an initial term to expire February 17, 2012.

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

Council approved the appointment.

TO: JAMES REISHMAN
CITY CLERK

FROM: DANNY JONES
MAYOR

RE: CHARLESTON LAND TRUST

DATE: JANUARY 20, 2009

I recommend that Kristen Harrison, 801 Churchill Drive, Charleston, WV 25314, be reappointed to the Charleston Land Trust, with a said term to expire October 4, 2012.

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

Council approved the appointment.

TO: JAMES REISHMAN
CITY CLERK

FROM: DANNY JONES
MAYOR

RE: CHARLESTON LAND TRUST

DATE: JANUARY 20, 2009

I recommend that Connie Hillenbrand, 152 Abney Circle, Charleston, WV 25314, be reappointed to the Charleston Land Trust, with a said term to expire October 4, 2012.

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

Council approved the appointment.

TO: JAMES REISHMAN
CITY CLERK

FROM: DANNY JONES
MAYOR

RE: CHARLESTON LAND TRUST

DATE: JANUARY 20, 2009

I recommend that Adam Knauff, 626 Jean Street, Charleston, WV 25302, be reappointed to the Charleston Land Trust, with a said term to expire October 4, 2012.

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

Council approved the appointment.

TO: JAMES REISHMAN
CITY CLERK

FROM: DANNY JONES
MAYOR

RE: SPRING HILL CEMETERY PARK COMMISSION

DATE: January 20, 2009

I recommend that Angus Peyton, Sr., 1200 Johnson Road, Charleston, WV 25314, be reappointed to the Spring Hill Cemetery Park Commission, with a said term to expire April 6, 2014.

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

Council approved the appointment.

ENVIRONMENT AND RECYCLING

Councilman Ed Talkington, of the Council Committee on Environment and Recycling, submitted the following reports.

1. Your Committee on Environment and Recycling has had under consideration Resolution No 500-09, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 500-09 – “Concerning a 10% increase in the monthly tonnage at the City of Charleston Landfill operated by Landfill Services of Charleston, Inc.”

WHEREAS, the City entered into an Operating Agreement with Landfill Services of Charleston, Inc., formerly known as West Virginia Waste Services, Inc. on February 15, 1994, to construct and operate the City of Charleston Landfill; and

WHEREAS, the solid waste permit issued to the permittee City of Charleston on December 1, 1994, was modified to reflect a “CLASS A” Landfill with the tonnage authorization of “15,000 tons/month” on April 29, 1997 that was modified to “16,500” tons/month” by a 10% increase on April 19, 1999 by Resolution No. 180-99, and modified to 18,150 tons/month on February 2, 2004 by Resolution No. 432-03, and modified to 19,965 tons/month on August 7, 2006 by Resolution 080-06; and

WHEREAS, pursuant to West Virginia Code §22-15-1 *et. seq.* and West Virginia Solid Waste Management Rule 33-01, a permittee may request a permit modification in alternate years from the West Virginia Division of Environmental Protection (“WVDEP”) to increase the volume of solid waste accepted at the landfill facility by an amount of 10% or less, unless such an increase requires a change in the classification of the facility; and

WHEREAS, more than two years time has elapsed since the previous modification to the Solid Waste Permit; and

WHEREAS, the City has received an Engineer’s Opinion and Recommendation, incorporated herein and attached hereto, which indicates that a 10% monthly tonnage increase is necessary to provide for continued efficient disposal of waste at the landfill facility; and

WHEREAS, upon information and belief, a 10% increase in monthly tonnage will not change the classification of the landfill facility;

THEREFORE, Be It Resolved By The Council Of The City Of Charleston, West Virginia:

That the Council of the City of Charleston directs the administration to take the appropriate action(s), consistent with all state and local laws and rules, to initiate the submittal of an application to the WVDEP, Office of Waste Management, requesting a permit modification allowing permittee to increase the allowable monthly tonnage of the landfill facility by 10%.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 500-09, adopted.

ORDINANCE AND RULES

Councilman Jack Harrison, of the Council Committee on Ordinance and Rules, submitted the following reports.

1. Your Committee on Ordinance and Rules has had under consideration Bill No. 7372, and reports the same to Council with the recommendation that the bill do pass.

Bill No. 7372: A BILL to amend § 78-101(g) and § 78-211(f), to enact § 38-126 and § 38-127, to repeal § 78-371, § 38-81, § 38-82, § 38-83, § 38-84, § 38-85, § 38-86, § 38-87, § 38-88, § 38-89, § 38-90, § 38-91, § 38-92, § 38-93, § 38-94, § 38-95, § 38-96, § 38-97, § 38-98, § 38-99, § 38-100, § 38-101, § 38-102 and § 38-103, as amended, and reenact § 78-371, § 38-81, § 38-82, § 38-83, § 38-84, § 38-85, § 38-86, § 38-87, § 38-88, § 38-89 and § 38-90 of the Municipal Code of the City of Charleston.

WHEREAS, the City believes that by updating sections of the Municipal Code of the City of Charleston related to penalties and alternative sentencing for certain offenses, jury trials, and community service in lieu of incarceration or payment of fines, it will establish or maintain consistency with practices of State Courts, increase the efficiency of the operation of the Municipal Court of the City of Charleston, and help provide the Municipal Court of the City of Charleston with more effective enforcement tools.

The question being on the passage of the Bill a roll call was taken and there were; yeas-26, absent - 2, as follows:

YEAS: Burton, Clowser, Davis, Ealy, Hanna, Harris, Harrison, Higgins, Jones, Kirk, Knauff, Lane, Lanham, Payne, Reed, Reishman, Russell, Salisbury, Sheets, Smith, Talkington, Ware, White, Mayor Jones.

ABSENT: Miller, Weintraub

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7372, passed.

FINANCE

Councilman Robert Reishman, of the Council Committee on Finance, submitted the following reports.

1. Your committee on Finance has had under consideration a Proposal submitted by Electronic Communications, Inc., in the amount of \$116,335.80, for purchase of sixty (60) Kenwood digital mobile radios and related programming software and hardware to be used by the Charleston Police Department. To be charged to Account No. 097-976-09-000-4-459, Police—2009 COPS Meth Grant, and reports the same to Council with the recommendation that the committee report be adopted.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the committee report, adopted.

2. Your committee on Finance has had under consideration a payment of an invoice from Map Enterprises, Inc., in the amount of \$12,035, for repair of the Tree Trimming Truck used by Public Grounds. The repair costs include parts, labor, electrical testing, and annual inspection services. To be charged to Account No. 001-754-00-000-2-216, Equipment Maintenance— Maintenance & Repair, Equipment, and reports the same to

Council with the recommendation that the committee report be adopted.

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; December, 2008.

Received and Filed.

2. Report of the City of Charleston Payroll Variance Analysis; December 2008;

Received and Filed.

3. Report of the City of Charleston Financial Statements for the Six - Month Period Ended December 31, 2008.

Received and Filed.

ROLL CALL

The Clerk called the roll and the following members were in attendance:

YEAS: Burton, Clowser, Davis, Ealy, Hanna, Harris, Harrison, Higgins, Jones, Kirk, Knauff, Lane, Lanham, Payne, Reed, Reishman, Russell, Salisbury, Sheets, Smith, Talkington, Ware, White, Mayor Jones.

ABSENT: Miller, Weintraub

At 7:20 p.m., by a motion from Councilmember Harrison, Council adjourned until Monday, February 2, 2009, at 7:00 p.m.

Danny Jones, Honorable Mayor

James M. Reishman, City Clerk