

JOURNAL
OF THE
COUNCIL
CITY OF CHARLESTON
WEST VIRGINIA

JUNE 16, 2003

THE COUNCIL MET IN CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE SECOND MEETING IN THE MONTH OF JUNE ON THE 16TH DAY, IN THE YEAR 2003, AND WAS CALLED TO ORDER BY THE HONORABLE MAYOR, JAY GOLDMAN, AT 7:00 P.M. THE INVOCATION WAS DELIVERED BY BILL KIMBERLING, AND THE PLEDGE OF ALLEGIANCE WAS LEAD BY BOBBY REISHEMAN.

THE CLERK CALLED THE ROLL AND THE FOLLOWING MEMBERS ANSWERED TO THEIR NAMES:

CHARNOCK	CRICKENBERGER	DAVIS
FOUTY-YOUNG	HAAS	HARRIS
JONES	KIMBERLING	KNAUFF
LANE	JAMES LANHAM	DAVID LANHAM
LOEB	LOPEZ	MARKHAM
MCKNIGHT	MOLGAARD	MORTON
NIELSEN		
QUICK	REISHMAN	ROLLER
TALKINGTON	WEINTRAUB	MAYOR GOLDMAN

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.

JUNE 16, 2003, SECOND MEETING

CHARLESTON CITY COUNCIL JOURNAL JUNE 16, 2003

PUBLIC SPEAKERS

1. None.

CLAIMS

1. A claim of Alexander Kingery, 794 Gordon Dr., Charleston, WV; alleges damage to property; Refer to City Solicitor.
2. A claim of William A. Summerfield, 457 20th St., Dunbar, WV; alleges damage to vehicle; Refer to City Solicitor.
3. A claim of David Whittington, 606 Hall St., Charleston, WV; alleges damage to property; Refer to City Solicitor.
3. A claim of Danny Eads, 547 Garrison Ave., Charleston, WV; alleges damage to vehicle; Refer to City Solicitor.
4. A claim of Deborah Pack, 5379 Big Tyler Rd., Cross Lanes, WV; alleges personal injury; Refer to City Solicitor.
5. A claim of Agnes Casis, 4501 Virginia Ave., Charleston, WV; alleges damage to property; Refer to City Solicitor.
6. A claim of David Maroney, 933 Greendale Dr., Charleston, WV; alleges damage to vehicle; Refer to City Solicitor.
7. A claim of Richard Woodall, 611 Hall St., Charleston, WV; alleges damage to property; Refer to City Solicitor.
8. A claim of Kiran Patel, 108 Castridge Rd., Charleston, WV; alleges damage to vehicle; Refer to City Solicitor.

COMMUNICATIONS

PROCLAMATION

ONE FOLLOWING

The Clerk read the following communication:

To Mayor Jay Goldman
And City Council

From Sallie McClaugherty

My son and daughter join me in thanking you for the naming of the Clay Center Walkway in John's memory. I don't need tell you the Clay Center was his dreams, we are grateful for this very thoughtful tribute.

Sincerely Sallie

The Clerk read the following communication:

Honorable J. Crawford Goldman
And Member of Council
Charleston, WV. 25301

Dear Mayor Goldman and Councilmembers:

On May 7, 2003, the Municipal Planning Commission held public hearing and its regular monthly meeting. The following cases were heard by the Commission:

Bill No. 6978- Petition of Jay Goldman requesting a Bill to rezone the property located at 1003-1011 Oakhurst Drive, Charleston South Annex Tax Map 5, Parcels 35 and 35.1 from C-4 Neighborhood Commercial District to R-O Residential Office District.

Special Permit #1110- Application of Charleston Entertainment LLC requesting a Special Permit for a Restaurant/Bar serving alcoholic beverages in an Urban Renewal District accessory to the business located at 205 Capitol St.

Special Permit #1111- Application of Robert Talbert requesting a Special Permit for a Restaurant/Bar serving alcoholic beverages in a C-6 Community Commercial District accessory to the business located at 1942 Sissonville Drive.

These cases should be referred to the Planning Committee of Council.

Sincerely,
Municipal Planning Commission

Phyllis White Administrative Assistant.

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

MISCELLANEOUS RESOLUTIONS

The Clerk read the following Resolution introduced by Councilpersons Linda Nielsen, Charlie Loeb and Tom Lane.

Resolution No. 300-03, as amended

Introduced by:

Linda Nielsen, Charles Loeb, J. Thomas Lane

WHEREAS, Howard Quick has served for thirty-six consecutive years as a member of Charleston City Council; and

WHEREAS, during his term of public service, he has been elected by Council to key leadership positions of President, Majority and Minority Leader; and

WHEREAS, Howard Quick also has served as a member of the key committees of Council, including Finance and Planning; and

WHEREAS, during his terms in office as a Councilman for the First Ward, Howard Quick was a strong and persuasive voice for the needs and concerns of his constituency in the First Ward and the North Charleston area; and

WHEREAS, Howard Quick has also served the community by having been a member of the Civic Center Board of Directors and the Parks and Recreation Committee; and

WHEREAS, Howard Quick has added to many debates on Council by interjecting wit and humor, by maintaining respect and dignity and by standing on principles important to those he represents;

NOW THEREFORE, BE IT RESOLVED by the City of Charleston that Y. Howard Quick, Jr. be recognized and honored for his unique dedication and service to the City of Charleston and his community, and in honor of Councilman Howard Quick's devoted service to the citizens of the City of Charleston, and in particular recognition of his many years of service on behalf of the citizens of North Charleston, the City Council of the City of Charleston hereby decrees that the newly completed fire station located in North Charleston at Copenhaver Drive and School Street be named and hereafter known as the "Y. Howard Quick Fire Station."

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-25, nays-0, absent-2, as follows:

YEAS: Charnock, Crickenberger, Davis, Fouty-Young, Haas, Harris, Jones, Kimberling, Knauff, Lane, David Lanham, James Lanham, Loeb, Lopez, Markham, McKnight, Molgaard, Morton, Nielsen, Quick, Reishman, Roller, Talkington, Weintraub, and Mayor Goldman.

NAYS: None.

ABSENT: Pettry, Prunty.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 300-03, as amended, adopted.

URBAN RENEWAL

Councilwoman Sara Crickenberger, Chairman of the Council Committee on Urban Renewal, submitted the following reports.

Bill No. 6981 – A Bill – approving certain modifications of Washington Street, East Renewal Plan for the City of Charleston, West Virginia, with respect to:

Replacing Section 2.E – Signs

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

1. The City Council finds that:

A. the Charleston Urban Renewal Authority has recommended certain modifications of the Washington Street, East Urban Renewal Plan for the City of Charleston;

b. A general plan known as the Comprehensive Plan for the City of Charleston has been adopted by the City Council and is recognized and used as a general guide for the development of the City;

C. the Municipal Planning Commission of the City of Charleston has submitted to the Charleston Urban Renewal Authority its findings that the proposed modifications conform to said Comprehensive Plan;

d. City Council has duly considered said findings; and

e. Section “F” of said Washington Street, East Urban Renewal Plan provides that the Plan may be changed from time to time in compliance with the requirements of the law.

2. The modification of the Washington Street, East Urban Renewal Plan set forth

in the following sections of this ordinance are hereby found to be feasible and in compliance with the Comprehensive Plan for the City of Charleston.

3. Section 2.E. is replaced with the following:

E. SIGNS

A sign is hereby defined as a visual assembly of letters or any other device for attracting attention or conveying information. The maximum area of a sign shall not exceed 2 square feet for each linear foot of building wall fronting on a street. The area of signs is the sum of the smallest rectangle enclosing all such letters and devices. The maximum area allowed is the greatest sum of all those rectangles visible from any public right-of-way.

For residentially zoned areas, the sign regulations now or hereafter prescribed by THE ZONING ORDINANCE OF THE CITY OF CHARLESTON, WEST VIRGINIA shall govern.

1. Prohibited signs and devices

- Roof and ground pole.
- Intermittent or moving, except time, temperature or date.
- Portable signs.
- Signs mounted higher than the roof, eave or parapet line of any building or be silhouetted against the sky.
- Exposed neon.
- Pertain to anything or activity other than those primary activities on the same premises.
- Pennants, spinner, or streamers.
- Signs that contain or are an imitation of an official traffic sign or signal, such as “stop”, “go”, “slow”, “caution”, “danger”, “warning”, or other similar words.

2. Whenever there is a change in use or ownership of a business, all non-conforming signs shall be removed and shall not be put back unless it completely conforms to say regulations.

3. General sign restrictions

a. Monument sign

- Such signs shall not exceed 6 feet in height;
- Such sign shall not exceed 36 square feet in area including the base;
- The general area in the vicinity of a monument sign shall be landscaped and kept clear of weeds, debris, trash, and other refuse.

b. Post and panel sign shall be allowed provided that:

- Such sign shall not exceed 36 square feet in area.
- c. In multi-tenant buildings, there may only be on directory-style monument sign or post and panel sign, all other signs for individual tenants must be a wall sign or awning sign.
- d. Wall signs shall not project from any building façade more than 6 inches.
- e. Wall signs shall not contain a single letter, emblem or device exceeding 30 inches in height.
- f. All signs shall be maintained in good structural condition, in compliance with all building and electrical codes, and in conformance with this Ordinance.

The question being on the passage of the Bill a roll call was taken and there were; yeas-25, nays-0, absent-2, as follows:

YEAS: Charnock, Crickenberger, Davis, Fouty-Young, Haas, Harris, Jones, Kimberling, Knauff, Lane, David Lanham, James Lanham, Loeb, Lopez, Markham, McKnight, Molgaard, Morton, Nielsen, Quick, Reishman, Roller, Talkington, Weintraub, and Mayor Goldman.

NAYS: None.

ABSENT: Pettry, Prunty.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 6981, passed.

FINANCE

Councilman Larry Roller, Chairman of the Council Committee on Finance, submitted the following reports.

Resolution No. 294-03, "Authorizing the Mayor to enter into a contract with West Virginia State College Research and Development Corporation, Department of Land-Grant, in the amount of approximately \$10,000, for a Summer Food Service Program for children participating in activities at (10) Parks and Recreation neighborhood centers throughout the City, beginning on June 23, 2003 and ending August 7, 2003. The City will be reimbursed by the State of West Virginia for actual meals covered.

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

That the Mayor is hereby authorized and directed to enter into a contract with West Virginia State College Research and Development Corporation, Department of Land-Grant, in the amount of approximately Ten Thousand Dollars (\$10,000), for a Summer Food Service Program for children participating in activities at ten (10) Parks and Recreation neighborhood centers throughout the City, beginning on June 23, 2003 and ending August 7, 2003. The City will be reimbursed by the State of West Virginia for actual meals covered.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 294-03, adopted unanimously

2. Your Committee on Finance has had under consideration Resolution No. 295-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 295-03, “Authorizing the Mayor to enter into a Grant contract Agreement with the State of West Virginia, Division of Criminal Justice (DCJS), to receive and administer Juvenile Accountability Incentive Block grant funds of up to \$29,693 for continued training to prosecutors and police officers to better enable them to identify, arrest and fully adjudicate juvenile offenders who commit serious criminal offenses.”

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

That the Mayor is hereby authorized and directed to enter into a Grant contract Agreement with the State of West Virginia, Division of Criminal Justice (DCJS), to receive and administer Juvenile Accountability Incentive Block grant funds of up to Twenty nine Thousand Six Hundred Ninety-three dollars (\$29,693) for continued training to prosecutors and police officers to better enable them to identify, arrest and fully adjudicate juvenile offenders who commit serious criminal offenses.

The question being on the adoption of the Resolution a vote was taken. There being no dissent and one abstain from Linda Nielsen the Mayor declared Resolution No. 295-03, adopted.

3. Your Committee on Finance has had under consideration Resolution No. 296-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 296-03, “Authorizing the Mayor to enter into a contract with Sears Monument Co., in the amount of \$6,244, for replacement of marble on various articles displayed in Ruffner Park.”

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

That the Mayor is hereby authorized and directed to enter into a contract with Sears Monument Co., in the amount of Six Thousand Forty-four Dollars (\$6,244), for replacement of marble on various articles displayed in Ruffner Park.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-25, nays-0, absent-2, as follows:

YEAS: Charnock, Crickenberger, Davis, Fouty-Young, Haas, Harris, Jones, Kimberling, Knauff, Lane, David Lanham, James Lanham, Loeb, Lopez, Markham, McKnight, Molgaard, Morton, Nielsen, Quick, Reishman, Roller, Talkington, Weintraub, and Mayor Goldman.

NAYS: None.

ABSENT: Pettry, Prunty.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 296-03, adopted.

4. Your Committee on Finance has had under consideration Resolution No. 297-03 and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 297-03, “Authorizing the Mayor to enter into a contract with Cincinnati Floor, in the amount for \$10,250, for refinishing the gymnasium floor at the North Charleston Community Center.”

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

That the Mayor is hereby authorized and directed to enter into a contract with Cincinnati Floor, in the amount for Ten Thousand Two Hundred Fifty Dollars (\$10,250), for refinishing the gymnasium floor at the North Charleston Community Center.”

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 297-03, adopted unanimously

5. Your Committee on Finance has had under consideration Resolution No. 298-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 298-03, “Authorizing the Mayor to enter into a contract with Harris Brothers Roofing Co., in the amount of \$21,970, for modifications to the HVAC system at Municipal Parking Building No. 1 located at Quarrier, McFarland, Virginia and Dickinson streets.”

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

That the Mayor is hereby authorized and directed to enter into a contract with Harris Brothers Roofing Co., in the amount of Twenty-one Thousand Nine Hundred Seventy Dollars (\$21,970), for modifications to the HVAC system at Municipal Parking Building No. 1 located at Quarrier, McFarland, Virginia and Dickinson streets.”

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 298-03, adopted unanimously

6. Your Committee on Finance has had under consideration Resolution No. 299-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 299-03, “Authorizing the Mayor to renew the Irrevocable Letter of Credit from City national Bank in the amount of \$328,000 for bonding of the permitted acreage at the City Landfill; and further authorizing payment of the premium in the amount of \$3,280 for the period July1, 2003 to June 30, 2004. The premium is due annually with reimbursement to the City by Landfill Services of Charleston, Inc.”

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

That the Mayor is hereby authorized and directed to renew the Irrevocable Letter of Credit from City national Bank in the amount of Three Hundred Twenty-eight Thousand Dollars (\$328,000) for bonding of the permitted acreage at the City Landfill; and further authorizing payment of the premium in the amount of \$3,280 for the period July1, 2003 to June 30, 2004. The premium is due annually with reimbursement to the City by Landfill Services of Charleston, Inc.”

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 299-03, adopted unanimously, Goldman –Abstain.

7. Your Committee on Finance has had under consideration a bid submitted by Stephens Auto Center, in the total amount of \$30,650, for purchase of one 2003 vehicle (\$21,158); and one 2003 vehicle (19,992, less trade-in of two vehicles at \$10,500, for a total of \$9,492), to be used by South Charleston and St. Albans MDENT units. To be charged to Account NO. 900-173-00-976-4-459, MDENT Forfeiture Funds and Drug Task Force Grant No. 02-DC-06, and reports the same to Council with the recommendation that the committee be adopted.

The question being on the adoption of the committee report a vote was taken. There being no dissent the Mayor declared the committee report adopted unanimously.

8. Your Committee on Finance has had under consideration a Payment of an invoice from Western Branch Diesel, in the amount of \$13,532.90, for the emergency repair of the engine in Ladder Fire Truck No. 462 used by the Charleston Fire Department. To be charged to Account No. 001-706-00-000-2-217, Fire Department—Maintenance and Repair, Auto/Truck, and reports the same to Council with the recommendation that the committee be adopted.

The question being on the adoption of the committee report a vote was taken. There being no dissent the Mayor declared the committee report adopted unanimously.

9. Your Committee on Finance has had under consideration a Payment of an invoice from Jasper Engines, in the amount of \$6,620.92, for replacement of the engine in Refuse Truck No. 130 used by the Refused and Recycling Department. To be charged to Account No. 001-754-00-000-2-216, Equipment Maintenance—Maintenance and Repair, Equipment, and reports the same to Council with the recommendation that the committee be adopted.

The question being on the adoption of the committee report a vote was taken. There being no dissent the Mayor declared the committee report adopted unanimously.

10. Your Committee on Finance has had under consideration a Payment of an invoice from the YWCA, in the amount of \$50,000, for acquisition of property located at 509-513 Elizabeth Street for the construction of a 6-8 unit senior housing project for disabled persons. To be charged o Account No. 009-002-00-006, CDBG—Acquisition of Property, and reports the same to Council with the recommendation that the committee be adopted.

The question being on the adoption of the Committee Report a roll call was taken and there

were; yeas-25, nays-0, absent-2, as follows:

YEAS: Charnock, Crickenberger, Davis, Fouty-Young, Haas, Harris, Jones, Kimberling, Knauff, Lane, David Lanham, James Lanham, Loeb, Lopez, Markham, McKnight, Molgaard, Morton, Nielsen, Quick, Reishman, Roller, Talkington, Weintraub, and Mayor Goldman.

NAYS: None.

ABSENT: Pettry, Prunty.

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; May -2003.
Received and Filed.

2. Report of the City of Charleston Payroll Variance Analysis; May 2003;
Received and Filed.

3. City Treasurer's Report to City Council Month Ending May 2003;
Received and Filed.

4. City of Charleston Financial Statements for the Eleven- Month Period Ended
May 31, 2003;
Received and Filed.

NEW BILLS INTRODUCED

Introduced by Councilwoman Beth Fouty Young on June 16, 2003:

Bill No. 6983, A Bill to amend and reenact article seventeen, chapter thirty-one of the code of the city of Charleston, one thousand nine hundred twenty-nine, as amended, relating to all-terrain vehicles.

Refer to Council Committee on Streets and Traffic and Public Safety Committee.

Introduced by Councilwoman Beth Fouty Young on June 16, 2003:

Bill No. 6984, A Bill to amend and reenact article seventeen, chapter thirty-one of the code of the city of Charleston, one thousand nine hundred twenty-nine, as amended, by adding thereto a new article, designated article eighteen, relating to motorized scooters.

Refer to Council Committee on Streets and Traffic and Public Safety Committee.

Introduced by Councilman Larry Roller on June 16, 2003:

Bill No. 6985, A Bill authorizing the City of Charleston to accept an offer made to the City on June 2, 2003, of becoming the transferee of a charitable gift of a parcel of real property known as the "Sunrise Carriage Trail", (hereinafter "Trail") and authorizing and directing the Mayor to accept a deed of said property on behalf of the City of Charleston.

Refer to Finance Committee, Planning Committee and Parks and Recreation Committee.

UNFINISHED OR MISCELLANEOUS BUSINESS

NONE.

ROLL CALL

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

YEAS: Charnock, Crickenberger, Davis, Fouty-Young, Haas, Harris, Jones, Kimberling, Knauff, Lane, David Lanham, James Lanham, Loeb, Lopez , Markham, McKnight, Molgaard, Morton, Nielsen, Quick, Reishman, Roller, Talkington, Weintraub, and Mayor Goldman.

ABSENT: Pettry, Prunty.

At 7:50 p.m., on motion of Councilman Loeb, Council adjourned Sine Die.

Jay Goldman, Honorable Mayor

James M. Reishman, City Clerk