

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

**DECEMBER 4, 2006**

**THE COUNCIL MET IN CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE FIRST MEETING IN THE MONTH OF DECEMBER ON THE 4<sup>th</sup> DAY, IN THE YEAR 2006, AND WAS CALLED TO ORDER BY THE HONORABLE MAYOR, DANNY JONES. THE INVOCATION WAS DELIVERED BY EALY, AND THE PLEDGE OF ALLEGIANCE WAS LED BY HIGGINS.**

**CHESTNUT  
DEITZLER  
HANNA  
HIGGINS  
LANHAM  
MILLER  
NIELSEN  
ROBERTSON  
WARE  
MAYOR JONES**

**CLOUSER  
EALY  
HARRIS  
JONES  
LANE  
MONROE  
REED  
SADD  
WEINTRAUB**

**DAVIS  
  
LOEB  
MORTON  
MARKHAM  
REISHMAN  
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. Lynne Schwabe

## **CLAIMS**

1. A claim of Tom Grishaber, 129 Belfast Rd., Charleston, WV; alleges personal injury.  
Refer to City Solicitor.
2. A claim of Phyllis Hunter, 4910 Washington Avenue, SE., Charleston, WV; alleges damage to vehicle.  
Refer to City Solicitor.
3. A claim of Terry Weaver, 1735 Sugar Creek Dr., Charleston, WV; alleges damage to property.  
Refer to City Solicitor.
4. A claim of Charles Taylor, 409 Park Avenue, Charleston, WV; alleges damage to vehicle.  
Refer to City Solicitor.
5. A claim of Edward Armbricht, 1022 Bridge Rd., Charleston, WV; alleges damage to property.  
Refer to City Solicitor.
6. A claim of William Herold, Jr., 923 Scenic Drive, alleges damage to vehicle.  
Refer to City Solicitor.

## **COMMUNICATIONS**

The Clerk read the Communication in honor of Emery Harriston for his retirement from the Charleston's Police Department Neighborhood Assistance Officer volunteer program.

## MISCELLANEOUS RESOLUTIONS

### Resolution No. 139-06

Introduced in Council

Passed by Council

December 4, 2006

December 4, 2006

Introduced by

Will Hanna

**WHEREAS:** Led by Head Coach Scott Swain, the Stonewall Jackson Middle School football team worked hard to achieve a Kanawha County championship with an undefeated season; and

**WHEREAS:** In addition to their team effort that led them to win every game, the 2006 Stonewall Jackson Generals outscored their opponents by a whopping 378 to zero – marking a nearly historic achievement in the history of interscholastic sports in West Virginia; and

**WHEREAS:** The defense that produced the historic record of allowing absolutely no points for the season was coached by defensive coordinator Walter Easley, who was a star football player for Stonewall Jackson High School before becoming a Super Bowl champion in the National Football League; and

**WHEREAS:** Stonewall Jackson's 378-to-nothing record is even more impressive when you understand that most of the players on the 18-person roster had to play both offense and defense with little or no time to relax during their games; and

**WHEREAS:** This memorable achievement included key contributions from all 18 players, led by Duran Workman who played quarterback and safety, Keion Wright who played both running back and linebacker, and fullback/linebacker J.C. Morrison – a trio of talent that led the team in scoring while also leading by example in the classroom with 4.0 GPAs.

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

That we congratulate the players and coaches of the Stonewall Jackson Middle School football team for playing effectively as a team all season long and achieving a remarkable record of success both on the field and in the classroom.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 139-06 adopted.

## REPORTS OF STANDING COMMITTEES

### **FINANCE**

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

1. Your Committee on Finance has had under consideration Resolution No. 140-06, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 140-06: "Authorizing the Finance Director to amend the 2006-2007 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 2006-2007 General Fund budget as indicated on the attached list of accounts; and be it

FURTHER RESOLVED, that this budget amendment is being made prior to the expenditure or obligation of funds for which no appropriation or insufficient appropriation currently exists.

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

YEAS: Chestnut, Clowser, Davis, Deitzler, Ealy, Higgins, Hanna, Harris, Jones, Lane, Lanham, Loeb, Markham, Miller, Monroe, Morton, Nielsen, Sadd, Reed, Reishman, Robertson, Talkington, Ware, Weintraub, White, Mayor Jones.

ABSENT: Hall, Harrison

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No.140-06, adopted.

2. Your Committee on Finance has had under consideration Resolution No. 141-06, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 141-06: "Authorizing the Mayor to receive and administer funds from the Governor's Highway Safety Office in the amount of \$200,000 for a Nighttime Seat Belt Enforcement Grant, providing for \$80,000 in overtime enforcement funds and \$120,000 for equipment."

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

That the Mayor is hereby authorized and directed to receive and administer funds from the Governor's Highway Safety Office in the amount of Two Hundred Thousand Dollars (\$200,000) for a Nighttime Seat Belt Enforcement Grant, providing for \$80,000 in overtime enforcement funds and \$120,000 for equipment.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 141-06 adopted.

3. Your Committee on Finance has had under consideration Resolution No. 142-06, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 142-06: "Authorizing the Mayor to receive and administer funds from the U.S. Department of Justice in the amount of \$246,807 for a COPS Methamphetamine Grant. The grant will provide funds for travel, equipment and supplies."

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

That the Mayor is hereby authorized and directed to receive and administer funds from the U.S. Department of Justice in the amount of Two Hundred Forty-six Thousand Eight Hundred Seven Dollars (\$246,807), for a COPS Methamphetamine Grant. The grant will provide funds for travel, equipment and supplies.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 142-06 adopted.

4. Your Committee on Finance has had under consideration Resolution No. 143-06, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 143-06: "Authorizing the Mayor to sign a contract with the West Virginia Development Office for a FY 2005 LEDA Grant in the amount of \$25,000 on behalf of the Avampato Discovery Museum."

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

That the Mayor is hereby authorized and directed to sign a contract with the West Virginia development Office for a FY 2005 LEDA Grant in the amount of Twenty-five Thousand Dollars (\$25,000) on behalf of the Avampato Discovery Museum.

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

YEAS: Chestnut, Clowser, Davis, Deitzler, Ealy, Higgins, Hanna, Harris, Jones, Lane, Lanham, Loeb, Markham, Miller, Monroe, Morton, Nielsen, Sadd, Reed, Reishman, Robertson, Talkington, Ware, Weintraub, White, Mayor Jones.

ABSENT: Hall, Harrison

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No.143-06, adopted.

5. Your Committee on Finance has had under consideration Resolution No. 144-06, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 144-06: “Authorizing the Mayor to sign a Recreational Trails Grant Request on behalf of the West Side Neighborhood Association. The applications will fund development of a 10-foot wide asphalt trail running parallel to the Kanawha Trestle (where it meets the ground on the West Side) to Kanawha Boulevard. Total cost of the project is \$100,000, with \$80,000 being requested in Recreational Trail funds and \$20,000 will be matched with grant funds provided by the Greater Kanawha Valley Foundation.”

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

That the Mayor is hereby authorized and directed to sign a Recreational Trails Grant Request on behalf of the West Side Neighborhood Association. The applications will fund development of a 10-foot wide asphalt trail running parallel to the Kanawha Trestle (where it meets the ground on the West Side) to Kanawha Boulevard. Total cost of the project is \$100,000, with \$80,000 being requested in Recreational Trail funds and \$20,000 will be matched with grant funds provided by the Greater Kanawha Valley Foundation.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-24, absent – 2, nays – 2, as follows:

YEAS: Clowser, Davis, Deitzler, Ealy, Higgins, Hanna, Harris, Lane, Lanham, Loeb, Markham, Miller, Monroe, Morton, Nielsen, Sadd, Reed, Reishman, Robertson, Talkington, Ware, Weintraub, White, Mayor Jones.

ABSENT: Hall, Harrison

NAYS: Chestnut, Jones

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No.144-06, adopted.

6. Your Committee on Finance has had under consideration Resolution No. 145-06, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 145-06: “Authorizing the Mayor to enter into a month-to-month Lease Agreement with the Charleston Sanitary Board for the Compost Facility at the rate of One Thousand Dollars (\$1,000) per month.”

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 month-to-month Lease Agreement with the Charleston Sanitary Board for the Compost Facility at the rate of One Thousand Dollars (\$1,000) per month.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 145-06 adopted.

7. Your committee on Finance has had under consideration a bid submitted by VI – Specialized Vehicle Corp / Hackney, in the amount of \$250,591, for purchase of a Heavy Rescue Vehicle to be used by the Charleston Fire Department. To be charged to Account No. 001-976-00-706-4-459, Fire---Capital Outlay, Equipment (Part of the Lease/Purchase Escrow Account Schedule No. 1000129571 for FY 2007), and reports the same to Council with the recommendation that the Committee Report 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.

### **NEW BILLS**

Introduced by Councilmember Bob White on December 4, 2006:

Bill No. 7240 – A Bill amending the Zoning Ordinance of the City of Charleston, West Virginia, enacted the 1<sup>st</sup> day of January, 2006, as amended, and the map made a part thereof, by rezoning the whole of that certain parcel of land situate at 1406 Bigley Avenue, Charleston, West Virginia from an I-2 Light Industrial District to C-10 General Commercial District.

**Refer to Municipal Planning Commission**

Introduced by Councilmembers David Higgins and Archie Chestnut on December 4, 2006:

Bill No. 7242 – A Bill to establish a metered vehicular parking zone for the exclusive use, twenty-four hours a day, of the physically disabled on the northerly side of Washington Street, East from a point 128 feet west of Brooks Street to a point 287 feet west of Brooks Street to provide for the removal of vehicles illegally parked in these spaces, to incorporate the provisions of West Virginia Code, Chapter 17C, Article 13, Section 6, and amending the Traffic Control Map and Traffic Control File, established by the Code of the City of Charleston, West Virginia, two thousand three, as amended, Traffic Law, Chapter one hundred fourteen, Article five, to conform therewith.

**Refer to Streets and Traffic Committee**

### **UNFINISHED BUSINESS**

Presentation on the Storm Water Training Program for City Personnel conducted by MMS Consultant and Tom Elkins from the Engineering Department.

## ROLL CALL

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

YEAS: Chestnut, Clowser, Davis, Deitzler, Ealy, Higgins, Hanna, Harris, Jones, Lane, Lanham, Loeb, Markham, Miller, Monroe, Morton, Nielsen, Sadd, Reed, Reishman, Robertson, Talkington, Ware, Weintraub, White, Mayor Jones.

ABSENT: Hall, Harrison

At 8:00 p.m., on motion of Councilmember Loeb, Council adjourned until Monday, December 18, 2006, at 7:00 p.m.

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Danny Jones, Honorable Mayor

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James M. Reishman, City Clerk