

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

JANUARY 16, 2007

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 16th DAY, IN THE YEAR 2007, 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 WARE.

**CHESTNUT
DEITZLER
HANNA**

**LANHAM
MILLER
NIELSEN
ROBERTSON
WARE
MAYOR JONES**

**CLOUSER
EALY
HARRIS**

**MONROE
REED
WEINTRAUB**

**DAVIS
HALL
HARRISON
LOEB
MORTON
MARKHAM
REISHMAN
TALKINGTON
WHITE**

TWENTY- FOUR 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 Nolan Scott Carroll, 817 North Hills Drive, Charleston, WV; alleges damage to property.
Refer to City Solicitor.
2. A claim of John Franklin Russell, 7203 MacCorkle Ave #B, Charleston, WV; alleges personal injury.
Refer to City Solicitor.

COMMUNICATIONS

The Clerk read the Communication:

Honorable Danny Jones and
City Council Members
Charleston, West Virginia 25301

Dear Mayor Jones and Councilmember's:

On January 3, 2007, the Municipal Planning Commission held public hearings and its regular monthly meeting. The following cases should be referred to the Planning Committee of Council.

Street Acceptance and Dedication Request for Player's Club Drive and Dee Drive – Application of Lewis, Glasser, Casey, & Rollins on behalf of Hillcrest Office Park, Inc. as representatives of the property owners abutting Player's Club Drive and Dee Drive requesting acceptance and dedication of those two streets by the City of Charleston.

Bill #7244 - A Bill amending the Zoning Ordinance for the City of Charleston, West Virginia, adopted November 21, 2005 by including a definition for "Laundromat" and revising the Land Use Table to permit Laundromats in the C-4, C-8, C-10, C-12, CBD, PMC and I-2 zoning districts.

Sincerely,
Municipal Planning Commission
Phyllis White, Administrative Assistant

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

The Clerk read the appointments:

TO: JAMES REISHMAN
CITY CLERK

FROM: DANNY JONES
MAYOR

RE: KANAWHA VALLEY REGIONAL TRANSPORTATION AUTHORITY

DATE: JANUARY 16, 2007

I am recommending that Jewell Bailey, 29 Pinnacle Drive, Charleston 25311, be reappointed the Kanawha Valley Regional Transportation Authority, with a said term to expire December 31, 2010.

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

Council approved the Appointment.

TO: JAMES REISHMAN
CITY CLERK

FROM: DANNY JONES
MAYOR

RE: KANAWHA VALLEY REGIONAL TRANSPORTATION AUTHORITY

DATE: JANUARY 16, 2007

I am recommending that Joe Koval, 1303 Gilbert Drive, Charleston 25302, be reappointed the Kanawha Valley Regional Transportation Authority, with a said term to expire December 31, 2010.

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

Council approved the Appointment.

REPORTS OF STANDING COMMITTEES

PLANNING

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

1. Your Committee on Planning has had under consideration of Bill No. 7240, as amended, and reports the same to Council with the recommendation that the bill do pass, as amended.

Bill No. 7240, as amended - 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 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-8 Village Commercial District.

Be it Ordained by the 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 I-2 district to a C-8 district the whole of the following described parcel of land:

Parcel No. 85 as shown on Charleston Tax Map No. 29. Subject parcel commonly known as 1408 Bigley Avenue, fronting 225 feet on the southerly side of Bigley Avenue and 300 feet on the easterly side of Ash Street containing 1 1/5 acres, more or less, or 52,275 square feet, more or less, 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 Section 1 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 as amended, a roll call was taken and there were; yeas-24, absent – 4, as follows:

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

ABSENT: Higgins, Jones, Lane, Sadd

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

Mayor declared Bill No. 7240, as amended, passed.

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. 154-07, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 154-07: “Authorizing the Mayor to sign Change Order No. 5 with Garcie R. Marker & Sons, in the amount of \$17,302.89, for the Concrete Sidewalk Accessibility Ramps Project, providing for replacement of grass strip with concrete between the sidewalk and curb and replacement of approximately 465 square feet of sidewalk on the east side of the 600 Block of Stockton Street; and replacement of grass strip with concrete between the sidewalk and curb in the 1400 Block of Jackson Street. Change Order No. 5 increases the contract price from \$539,245.50 to \$556,548.39.”

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

That the Mayor is hereby authorized and directed to sign Change Order No. 5 with Garcie R. Marker & Sons, in the amount of \$17,302.89, for the Concrete Sidewalk Accessibility Ramps Project, providing for replacement of grass strip with concrete between the sidewalk and curb and replacement of approximately 465 square feet of sidewalk on the east side of the 600 Block of Stockton Street; and replacement of grass strip with concrete between the sidewalk and curb in the 1400 Block of Jackson Street. Change Order No. 5 increases the contract price from \$539,245.50 to \$556,548.39.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-24, absent – 4, as follows:

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

ABSENT: Higgins, Jones, Lane, Sadd

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No.154-07, adopted.

2. Your Committee on Finance has had under consideration Resolution No. 155-07, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 155-07: “Authorizing the Finance Director to establish a new fund to be known as Fund 097—COPS Meth Grant Fund. This fund will be used to account for all expenses associated with the COPS Meth Grant approved by Council on December 4, 2006.”

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

That the Finance Director is hereby authorized and directed to establish a new fund to be known as Fund 097—COPS Meth Grant Fund. This fund will be used to account for all expenses associated with the COPS Meth Grant approved by Council on December 4, 2006.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-24, absent – 4, as follows:

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

ABSENT: Higgins, Jones, Lane, Sadd

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No.155-07, adopted.

3. Your Committee on Finance has had under consideration Resolution No. 156-07, as amended, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 156-07, as amended : “Authorizing the Mayor to enter into a contract with Standard Security Life Insurance of New York, through Marlton Risk Group, covering stop-loss insurance for amounts of specific claims in excess of \$175,000, for a total projected premium of \$552,529.60, based on coverage for 1,255 employees, for the period January 1, 2007 through January 1, 2008.”

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 Standard Security Life Insurance of New York, through Marlton Risk Group, covering stop-loss insurance for amounts of specific claims in excess of \$175,000, for a total projected premium of \$552,529.60, based on coverage for 1,255 employees, for the period January 1, 2007 through January 1, 2008.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 156-07, as amended adopted.

4. Your Committee on Finance has had under consideration Resolution No. 157-07, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 157-07 : “A Resolution to employ four (4) temporary employees, hired for the period of absentee voting, to be designated as Election Official

Representatives to Assist with Absentee Voting (“Absentee Election Representatives”) for the Charleston Primary Election to be held on March 6, 2007, and the General Election to be held on May 15, 2007.”

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

1. That each Absentee Election Representative designated to assist with absentee voting be paid the sum of \$10.00 per hour for his/her services during normal business hours of 8:00 a.m. to 5:00 p.m. daily from February 14, 2007, to March 3, 2007, for the purpose of early voting for the Charleston Primary Election held on March 6, 2007, as permitted by W.Va. Code §3-3-2(a)(4).
2. That each Absentee Election Representative designated to assist with absentee voting be paid the sum of \$10.00 per hour for his/her services during normal business hours of 8:00 a.m. to 5:00 p.m. daily from April 25, 2007, to May 12, 2007, for the purpose of early voting for the Charleston General Election held on May 15, 2007, as permitted by W.Va. Code §3-3-2(a)(4).
3. That the political party affiliation of the temporary employees hired as Absentee Election Representatives shall be consistent with the requirements of W.Va. Code §3-3-2(a)(4).

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 157-07 adopted.

5. Your Committee on Finance has had under consideration Resolution No. 158-07, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 158-07 : “Appointing election officials, establishing voting places, and authorizing payment of a rental fee for voting places and payment for certain voting place personnel necessary for conducting the City of Charleston Primary Election on the 6th day of March, 2007.”

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

That the Council of the City of Charleston does hereby appoint the following persons (set forth in Attachment A hereto) to serve as election officials and establishes the following voting places (set forth in Attachment A hereto) for the City of Charleston Primary Election to be held on the 6th day of March, 2007.

That the Council of the City of Charleston authorizes payment of a reasonable rental fee, not to exceed \$35.00, to certain voting places and further authorizes payment of a reasonable fee, not to exceed \$250.00, to precinct personnel who are required to open and close certain non-city owned voting places.

The question being on the adoption of the Resolution a vote was taken. There being no

dissent the Mayor declared Resolution No. 158-07 adopted.

6. Your Committee on Finance has had under consideration Resolution No. 159-07, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 159-07: “Authorizing the Mayor to enter into an Agreement with Texas Digital Systems, Inc., in the amount of \$23,563, for purchase of one (1) 37-inch and two (2) 50-inch Commercial Grade LCD Digital Monitors, and all related materials and technical support, to provide for Interior Digital Signage at the Charleston Civic 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 an Agreement with Texas Digital Systems, Inc., in the amount of Twenty-three Thousand Five Hundred Sixty-three Dollars (\$23,563), for purchase of one (1) 37-inch and two (2) 50-inch Commercial Grade LCD Digital Monitors, and all related materials and technical support, to provide for Interior Digital Signage at the Charleston Civic Center.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 159-07 adopted.

7. Your committee on Finance has had under consideration a proposal submitted by Stephens Auto Center, in the amount of \$16,866, for purchase of a Jeep Liberty to replace a vehicle in the Street Department that was totaled in an accident. To be charged to Account No. 001-977-00-750-4-459, Street—Capital Outlay, Equip., 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.

REPORTS OF OFFICERS

1. City Treasurer’s Report to City Council Month Ending December, 2006;
Received and Filed.

2. Report of the City of Charleston Financial Statements for the Six- Month Period Ended December 31, 2006.
Received and Filed.

NEW BILLS

Introduced by Councilmember's Mary Jean Davis, Marc Weintraub, Teresa Reed, Will Hanna, Jack Harrison on January 16, 2007:

Bill No. 7246 – A bill amending the Zoning Ordinance for the City of Charleston, West Virginia, adopted November 21, 2005 in order to make corrective additions and deletions to Section 19-050-04, Procedures for the Establishment of a Neighborhood Conservation Overlay District
Refer to the Municipal Planning Commission

Introduced by Councilmember Ed Talkington, on January 16, 2007:

Bill No. 7247- A bill authorizing Landfill Services of Charleston, Inc. (the "Landfill") to institute a reasonable 10% late-payment penalty for delayed payment of amounts charged for services at the landfill located on South Park Road in Charleston, Kanawha County.

Refer to the Environment and Recycling Committee and Finance Committee

Introduced by Councilmember Marc Weintraub, on January 16, 2007:

Bill No. 7248 - A Bill approving the following modification to the East End Community Renewal Plan for the City of Charleston, by rezoning certain parcels to R-8, High Density Residential District.

Refer to the Urban Renewal Committee

ROLL CALL

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

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

ABSENT: Higgins, Jones, Lane, Sadd

At 7:30 p.m., on motion of Councilmember Loeb, Council adjourned until Monday, February 5, 2007, at 7:00 p.m.

Danny Jones, Honorable Mayor

James M. Reishman, City Clerk