

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

OCTOBER 15, 2007

THE COUNCIL MET IN CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE SECOND MEETING IN THE MONTH OF OCTOBER ON THE 15TH 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.

**BURTON
DEITZLER
HANNA

KNAUFF
MILLER
REISHMAN
SHEETS
WARE
MAYOR JONES**

**CLOWSER
EALY
HARRIS
JONES
LANE
PAYNE
RUSSELL
SMITH
WEINTRAUB**

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

TWENTY- SEVEN 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.

CLAIMS

1. A claim of Howard J. Webb Jr., P.O. Box 6133, Charleston, WV; alleges personal injury.
Refer to City Solicitor.

2. A claim of Sammi S. King, 210 MacCorkle Ave., So. Charleston, WV; alleges damage to vehicle.
Refer to City Solicitor.

3. A claim of Paul Harrison, 5619 Staunton Ave., Charleston, WV; alleges damage to property.
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 October 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.

Bill # 7282 – Petition of J. D. Stricklen on behalf of Timberwolf Development Corporation requesting annexation of the Gettysburg Subdivision, more specifically described as the parcel of land on Washington Tax District Map 30, Parcel 30.1.

Street naming and dedication – Request of J. D. Stricklen on behalf of Timberwolf Development Corporation requesting naming and dedication of Gettysburg Road in Gettysburg Subdivision.

Sincerely,
Municipal Planning Commission
Phyllis White, Administrative Assistant

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

TO: JAMES REISHMAN
CITY CLERK

FROM: DANNY JONES
MAYOR

RE: MUNICIPAL BEAUTIFICATION COMMISSION

DATE: OCTOBER 15, 2007

I recommend that Lewis Payne, 300 Capitol Street, Suite 1503, Charleston, WV 25301, be appointed to the Municipal Beautification Commission, with an initial term to expire September 19, 2010. He is replacing Beverly Wright.

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-KANAWHA HOUSING AUTHORITY

DATE: JULY 17, 2006

I recommend that Nora Harris, 1546 Kanawha Boulevard #216, Charleston, WV 25311, be appointed to the Charleston Kanawha Housing Authority for the remainder of a five-year term to expire December 1, 2009. She replaces Vernadine Crothers as the resident commissioner on the board and fulfills Ms. Crothers' unexpired term.

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

MISCELLANEOUS RESOLUTION

Resolution No. 292-07

Introduced in Council

Adopted by Council

October 15, 2007

October 15, 2007

Introduced by

Referred to

Teresa Reed

Urban Renewal

Resolution No. 292-07 "Declaring a need and authorizing Charleston Urban Renewal Authority to develop and implement a workable plan of action for elimination, prevention, or spread of deteriorated or deteriorating conditions, and for conservation and rehabilitation within a certain area of the Community, pursuant to the provisions of Chapter 16, Article 18 of the Code of West Virginia."

WHEREAS, Chapter 16, Article 18, section 29, of the Code of West Virginia authorizes the governing body of the community, or such public officer or public body as it may designate, to prepare a workable program, which may include an official plan of action, for the establishment and preservation of a well-planned community with well-organized residential neighborhoods of decent homes and suitable living environmental for adequate family life, for utilizing appropriate private and public resources to eliminate and prevent the development or spread of deterioration, to encourage needed urban rehabilitation, to provide for the redevelopment of deteriorated areas, and for the undertaking of feasible activities to achieve the objectives of such a program;

WHEREAS, Chapter 16, Article 18, Section 25, of the Code of West Virginia specifically provides that urban renewal projects may include undertakings and activities for the elimination of deteriorated or deteriorating areas, or to otherwise prevent an area from becoming deteriorated;

WHEREAS, Chapter 16, Article 18, Section 27, of the Code of West Virginia eliminates the requirement of Chapter 16, Article 18, Section 4, of the Code of West Virginia, that an area must first be declared "blighted" before authorizing an urban renewal authority to exercise powers, function and duties permitted under said Article, and additionally amends and redefines the terms "slum" and "blighted" as used throughout the Article to also mean and include deteriorated or deteriorating areas for the purpose of urban renewal plans and projects.

WHEREAS, the area addressed by this resolution abuts the Boundaries of the Washington Street, West Urban Renewal Plan Area which was first declared slum or blighted on March 2, 1992;

WHEREAS, City Council is cognizant of certain factors that warrant a plan of action and exercise of the powers, functions, and duties of the Urban Renewal Authority for the elimination, prevention, and spread of deteriorated or deteriorating conditions and to otherwise implement conservation and rehabilitation with respect to the area so designated herein,

Resolved by the Council of the City of Charleston, West Virginia

1. That the City Council hereby finds and declares that the requisite conditions exist to make it necessary, in the interest of the public health, safety, morals or welfare of the residents of that certain area of the Community shown in Exhibit IA attached hereto, to designate and authorize the Charleston Urban Renewal Authority to develop a workable plan and project for implementing action as contemplated and authorized by Chapter 16, Article 18, of the Code of West Virginia for said Area as may be necessary for the elimination, prevention, or spread of deteriorated or deteriorating conditions within the Community of said Area and for the conservation and rehabilitation of the Community within said Area.

2. In the course of developing a workable plan the Charleston Urban Renewal Authority shall endeavor to involve as many residents and business owners of the Community shown in Exhibit 1A by using the following methods to encourage participation:

- a. Use Public Service Announcements on radio and TV to announce planning events;
- b. Announce planning events during services at faith based organizations located in the Community shown on Exhibit 1A;
- c. Attempt to engage operators of businesses where folks typically congregate (i.e. convenience stores, barber shops, bars) to assist in publicizing planning events;
- d. Contact and participate in meetings held by West Side Main Street;

3. The planning events shall be held in the Community shown on Exhibit 1A.

4. City Council shall not approve any urban renewal plan that proposes giving the Charleston Urban Renewal Authority the power of eminent domain over any residence that is occupied by the same individuals who are the owners as shown in the real estate records maintained by the Office of the Clerk of Kanawha County, West Virginia at the time the plan is adopted or amended.

The Mayor referred the Resolution to Urban Renewal.

PLANNING

Councilwoman 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. 7280 attached hereto and made a part thereof.

Bill No. 7280 amending the Zoning Ordinance for the City of Charleston, West Virginia, adopted November 21, 2005 in order to make corrective additions and deletions as follows:

Sec. 3-050 Permitted Land Uses

All prior ordinances, or parts of ordinances, inconsistent with 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; were; yeas-27, absent - 1, as follows:

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

ABSENT:Higgins.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7280 passed.

2. Your Committee on Planning has had under consideration of Bill No. 7257 attached hereto and made a part thereof.

Bill No. 7257 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 an R-4 and C-8 to a C-10 district, these certain parcels of land situate at 1606, 1608, 1610, 1612, and 1614 3rd 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 2nd day of May 2007, as amended, is hereby amended by rezoning from an R-4 and C-8 district to a C-10 district the whole of the following described parcels of land:

Parcel No. 32 as shown on Charleston West Tax Map No. 20. Subject parcel commonly known as Lot 74, Charleston Extension (1606 3rd Street) Charleston, WV Said tax map is of record in the Planning Office.

Parcel No. 33 as shown on Charleston West Tax Map No. 20. Subject parcel commonly known as Lot 73, Charleston Extension (1608 3rd Street) Charleston, WV Said tax map is of record in the Planning Office.

Parcel No. 34 as shown on Charleston West Tax Map No. 20. Subject parcel commonly known as Lot 72, Charleston Extension (1610 3rd Street) Charleston, WV Said tax map is of record in the Planning Office.

Parcel No. 35 as shown on Charleston West Tax Map No. 20. Subject parcel commonly known as Lot 71, Charleston Extension (1612 3rd Street) Charleston,

WV Said tax map is of record in the Planning Office.

Parcel No. 36 as shown on Charleston West Tax Map No. 20. Subject parcel commonly known as Lot 70, Charleston Extension (1614 3rd Street) Charleston, WV 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, a roll call was taken and there were; were; yeas-27, absent - 1, as follows:

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

ABSENT:Higgins.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7257 passed.

FINANCE

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

1. Your Committee on Finance has had under consideration Resolution No. 290-07, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 290-07: "Authorizing the Finance Director to allocate funds in the amount of \$23,000 for acquisition of one (1) HOME project located on the West Side of Charleston."

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

That the Finance Director is hereby authorized and directed to allocate funds in the amount of \$23,000 for acquisition of one (1) HOME project located on the West Side of Charleston.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-27, absent - 1, as follows:

YEAS: Burton, Clowser, Davis, Deitzler, Ealy, Hall, Hanna, Harris, Harrison, Jones, Kirk, Knauff, Lane, Lanham, Miller, Payne, Reed, Reishman, Russell, Salisbury, Sheets,

Smith, Talkington, Ware, Weintraub, White, Mayor Jones.
ABSENT:Higgins.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 290-07, adopted.

2. Your Committee on Finance has had under consideration Resolution No. 291-07, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 291-07 : “Authorizing the Mayor to enter into an Agreement with HealthSTAT, Inc., with first year estimated costs of \$430,823.95, for services related to an on-site Medical Clinic, Disease Management and Wellness Initiatives.”

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 HealthSTAT, Inc., with first year estimated costs of \$430,823.95, for services related to an on-site Medical Clinic, Disease Management and Wellness Initiatives.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 291-07, adopted.

REPORTS OF OFFICERS

1. Report of the City of Charleston, Municipal Court Financial Statements; September 2007.

Received and Filed.

2. City Treasurer’s Report to City Council Month Ending September 2007.

Received and Filed.

NEW BILLS

Introduced by Councilmember Bobby Reishman, on October 15, 2007

Bill No. 7294 – A Bill to amend and reenact Sections 2-734, 2-737, 2-738, and 2-741 of City Code of the City of Charleston, as amended, all relating to the City’s Service Fee.

Refer to Ordinance and Rules

ROLL CALL

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

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

ABSENT:Higgins.

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

Danny Jones, Honorable Mayor

James M. Reishman, City Clerk