

**JOURNAL
OF THE
COUNCIL
CITY OF CHARLESTON
WEST VIRGINIA
SEPTEMBER 17, 2007**

THE COUNCIL MET IN CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE SECOND MEETING IN THE MONTH OF SEPTEMBER ON THE 17TH DAY, IN THE YEAR 2007, 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 DAVIS.

DEITZLER	CLOWSER	DAVIS
HANNA	EALY	
HIGGINS	HARRIS	HARRISON
KNAUFF	JONES	KIRK
MILLER	LANE	LANHAM
REISHMAN	PAYNE	REED
SHEETS	RUSSELL	
WARE	SMITH	TALKINGTON
MAYOR JONES		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

1. Fire Chief Stanley – Fireman Training

CLAIMS

1. A claim of Billy Curry, 1311 Renaissance Circle Apt. 401, 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 September 5, 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 # 7257 – Petition of John W. Carper requesting to rezone the property located at 1606, 1608, 1610, 1612, and 1614 3rd Street, Charleston, WV from R4 Single Family Dwelling and C-8 Village Commercial District to C-10 General Commercial District.

Bill # 7281 – Petition of Wood Properties, LLC, Patsy Boyer, Frances Darlene Workman and Jack Waldron, owners, requesting rezoning from R-6 Medium Density Residential to C-8 Village Commercial District all the parcels located on the even number side of the 1200 block of Crescent Road, West Charleston Map 28, Parcels 114, 115, 116, 117, 118 & 119.

Bill # 7264 – A Bill repealing the floodplain and storm water management provisions from Article 24 of the zoning Ordinance of the City of Charleston, West Virginia, adopted November 21, 2005, as amended, and adding the floodplain management provisions to Chapter 91, Article II of the Code of the City of Charleston, West Virginia, adopted April 7, 2003, as amended.

Bill # 7280 – A Bill amending the Zoning Ordinance for the City of Charleston, West Virginia, adopted November 21, 2005 by revising Sec. 3-050 Permitted Land Uses to allow Building Materials Retail and Wholesale Establishments as a permitted use in the C-10 General Commercial and C-12 Shopping Center Zoning Districts.

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: REGIONAL INTERGOVERNMENTAL COUNCIL

DATE: SEPTEMBER 17, 2007

I am informing City Council that I have appointed Dennis Strawn, 1109 Park Avenue, Charleston, WV 25302, to the Regional Intergovernmental Council. Mr. Strawn's term will expire June 30, 2008.

I respectfully request that you forward this information to City Council.

Received and Filed.

**TO: JAMES REISHMAN
CITY CLERK**

**FROM: DANNY JONES
MAYOR**

RE: HALLOWEEN 2007

DATE: SEPTEMBER 17, 2007

I recommend that October 30, 2007 from the hours of 6:00 until 8:00 be designated as Trick or Treat in the City of Charleston.

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

Miscellaneous Resolutions

Resolution No. 284-07

Introduced in Council

Passed by Council

September 17, 2007

September 17, 2007

Mike Clowser, Jack Harrison

WHEREAS: The national organization, The Road Information Program (TRIP), recently announced that nearly 30 percent of West Virginia’s major roads are in substandard condition; and

WHEREAS: TRIP also suggests that more than one-third of the bridges in the state are structurally deficient or functionally obsolete; and

WHEREAS: Vehicle miles traveled on West Virginia roads increased 73 percent from 1980 to 2000, and it is estimated that the traffic on West Virginia roads will increase an additional 40 percent in the next 20 years; and

WHEREAS: Despite its relatively small size, West Virginia maintains the sixth largest network of state roads in the nation; and

WHEREAS: During the next 20 years, the West Virginia Department of Transportation estimates there is a \$20 billion unmet need for transportation projects in West Virginia; and

WHEREAS: The city of Charleston is a major road transportation center in West Virginia with the convergence of three Interstate highways and an Appalachian Corridor highway, which makes the city unique as a transportation hub; and

WHEREAS: A safe, modern, user-friendly and uncongested transportation system is vital to our community’s commerce and quality of life as well as our city’s tourism, hospitality, retail and convention businesses.

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

That the elected leaders of City of Charleston join other communities and organizations to support the public education efforts of West Virginians for Better Transportation and to call on the Governor and Legislature to commit to a long-term plan that will address the state’s surface transportation needs, maintain a safe and modern infrastructure system, and ensure the sustained growth of the state’s economy and employment base; and

That a copy of this Resolution be delivered to the Governor and West Virginia’s legislative leadership.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 284-07, adopted

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. 279-07, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 279-07: "Authorizing the Mayor to enter into an Agreement with Carl Walker, Inc., in the amount of \$45,435, for a comprehensive study and recommendations for a Repair and Maintenance Program for Municipal Parking Buildings."

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 Carl Walker, Inc., in the amount of Forty-five Thousand Four Hundred Thirty-five Dollars (\$45,435), for a comprehensive study and recommendations for a Repair and Maintenance Program for Municipal Parking Buildings.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 279-07, adopted.

2. Your Committee on Finance has had under consideration Resolution No. 280-07, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 280-07: "Authorizing the Mayor to sign Change Order No. 2, in the amount of \$59,993, with McClanahan Construction Company for an additional 750 lineal feet of curb replacement (\$13,500); and an additional 4,894 square feet of sidewalk replacement (\$46,493) in eligible areas under the Curb and Sidewalk Project. Change Order No. 2 increases the contract price from \$186,851 to \$246,844."

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. 2, in the amount of \$59,993, with McClanahan Construction Company for an additional 750 lineal feet of curb replacement (\$13,500); and an additional 4,894 square feet of sidewalk replacement (\$46,493) in eligible areas under the Curb and Sidewalk Project. Change Order No. 2 increases the contract price from \$186,851 to \$246,844.

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

YEAS: Clowser, Davis, Deitzler, Ealy, Hanna, Harris, Harrison, Higgins, Jones, Kirk,

Knauff, Lane, Lanham, Miller, Payne, Reed, Reishman, Russell, Sheets, Smith, Talkington, Ware, White, Mayor Jones.

ABSENT: Burton, Hall, Salisbury, Weintraub .

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 280-07, adopted.

3. Your Committee on Finance has had under consideration Resolution No. 281-07, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 281-07 : “Authorizing the Finance Director to amend the 2006 and 2007 Community Development Block Grant budgets as indicated on the accounts listed below.”

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 and 2007 Community Development Block Grant budgets as indicated on the accounts listed below:

<u>Account Number</u>	<u>Description</u>	<u>Increase/(Decrease)</u>
009-006-00-199-0-999	Unprogrammed Funds	\$(18,500.00)
009-006-00-011-0-999	Manna Meals	\$ 15,000.00
009-007-00-011-0-999	RCCR – Samaritan Inn	\$ 3,500.00

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

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

ABSENT: Burton, Hall, Salisbury, Weintraub .

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 281-07, adopted.

4. Your Committee on Finance has had under consideration Resolution No. 282-07, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 282-07 : “Authorizing the Mayor to sign a contract between the City of Charleston and the West Virginia Development Office for FY 2007 Community Partnership Grant on behalf of five agencies.”

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 between the City of Charleston and the West Virginia Development Office for FY 2007 Community Partnership Grant on behalf of the following agencies:

Charleston Black Ministerial Alliance	07LEDA0155	\$5,000
Charleston Public Safety Council	07LEDA0157	\$2,750
East End Community Association	07LEDA0160	\$5,000
Hope Community Development Corp.	07LEDA0162	\$7,000
PRO-Kids, Incorporated	07LEDA0163	\$5,000

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

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

ABSENT: Burton, Hall, Salisbury, Weintraub .

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 282-07, adopted.

5. Your Committee on Finance has had under consideration Resolution No. 283-07, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 283-07: "Authorizing the Finance Director to allocate funds in the amount of \$24,500 for acquisition of one (1) HOME Project on the City's West Side."

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 Twenty-four Thousand Five Hundred Dollars (\$24,500) for acquisition of one (1) HOME Project on the City's West Side.

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

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

ABSENT: Burton, Hall, Salisbury, Weintraub .

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 283-07, adopted.

6. Your Committee on Finance has had under consideration: bid submitted by Dell Marketing, LP, for purchase of 19 laptop computers in the amount of \$23,689.01, one server in the amount of \$2,279.48, plus shipping costs of \$582.00, for a total of \$26,550.49. The computers will be assigned to the Training Division of the Charleston Police Department.

To be charged to Account No. 001-976-00-700-4-459, Police—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.

7. Your Committee on Finance has had under consideration: bid submitted by MPRI, Inc., in the amount of \$125,900, for purchase of a Driver Training Simulator for the Charleston Police Department. This purchase includes software for use by other City departments that require driver training skills for their employees and a three-year extended warranty on the equipment.

To be charged to Account No. 001-976-00-700-4-459, Police—Capital Outlay, Equip. (\$40,000 reimbursement for this purchase will be made by Lords of London through Commercial Insurance Services) 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. Report of the City of Charleston, Municipal Court Financial Statements; August 2007. Received and Filed.

2. City Treasurer's Report to City Council Month Ending August 2007; Received and Filed.

NEW BILLS

Introduced by Councilmember Robert Sheets, on September 17, 2007 Bill 7284 to establish a 25 Mile Per Hour speed limit on Jackson Street and amending the Traffic Control Map and Traffic Control File, established by the Code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Law, Section 263, Division 2, Article 4, Chapter 114, to conform therewith.

Refer to Streets and Traffic

Introduced by Councilmember Jim Harris, on September 17, 2007 Bill 7285 to establish a No Parking Anytime Tow-Away zone on the easterly side Of Willowcrest Drive from Woodbridge Drive to a point 190 feet south of Woodbridge Drive and amending the Traffic

Control Map and Traffic Control File, established by the Code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Law, Section 263, Division 2, Article 4, Chapter 114, to conform therewith.

Refer to Streets and Traffic

Introduced by Councilmember David Higgins, on September 17, 2007 Bill 7286 to establish a No Parking Anytime Tow-Away zone on Overbrook Road from Oakwood Road to a point 358 feet north of Oakwood Road and amending the Traffic Control Map and Traffic Control File, established by the Code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Law, Section 263, Division 2, Article 4, Chapter 114, to conform therewith

Refer to Streets and Traffic

Introduced by Councilmember Robert Sheets, on September 17, 2007 Bill 7287 to repeal Ordinance No. 6325 passed by Council on April 21, 1997 relating to a 15 Minute Parking zone on the easterly side of Beauregard Street from a point 130 feet south of Washington Street to a point 150 feet south of Washington Street and amending the Traffic Control Map and Traffic Control File, established by the Code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Law, Chapter one fourteen, Article five, to conform therewith.

Refer to Streets and Traffic

Introduced by Councilmember Jim Harris, on September 17, 2007 Bill 7288 to establish a No Parking Anytime Tow-Away zone from 7:00 a.m until 4:00 p.m, Monday through Friday, on Elmont Drive from Pinnacle Drive to a point 175 feet south of Pinnacle Drive and amending the Traffic Control Map and Traffic Control File, established by the Code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Law, Section 263, Division 2, Article 4, Chapter 114, to conform therewith.

Refer to Streets and Traffic

Introduced by Councilmember Jim Harris, on September 17, 2007 Bill 7289 to establish a No Parking Anytime Tow-Away zone from 7:00 a.m until 4:00 p.m., Monday through Friday, on Pinnacle Drive from Elmont Drive to a point 175 feet west of Elmont Drive and amending the Traffic Control Map and Traffic Control File, established by the Code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Law, Section 263, Division 2, Article 4, Chapter 114, to conform therewith.

Refer to Streets and Traffic

ROLL CALL

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

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

ABSENT: Burton, Hall, Salisbury, Weintraub

At 7:35 p.m., on motion of Councilmember Harrison, Council adjourned until Monday, October 1, 2007, at 7:00 p.m.

Danny Jones, Honorable Mayor

James M. Reishman, City Clerk