

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

SEPTEMBER 4, 2007

THE COUNCIL MET IN CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE FIRST MEETING IN THE MONTH OF SEPTEMBER ON THE 4TH 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 RUSSELL.

**BURTON
DEITZLER
HANNA

KNAUFF
MILLER

SHEETS
WARE
MAYOR JONES**

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

**DAVIS
HALL
HARRISON
KIRK
LANHAM
REED
SALISBURY
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. James Straughter – CPD extra patrols

CLAIMS

1. A claim of Deborah B. Boland, 1728 Huber Road, Charleston, WV; alleges damage to property.
Refer to City Solicitor.
2. A claim of Catherine Cartia , 24 Bradford Street Apt. 12, Charleston, WV; alleges personal injury.
Refer to City Solicitor.
3. A claim of Gretchen D. Jordan, 14 Bridlewood Road, Charleston, WV; alleges damage to property.
Refer to City Solicitor.
4. A claim of Paula Martin, 1027 Mountain Road, Charleston, WV; alleges damage to property.
Refer to City Solicitor.
5. A claim of Catherine Tolley, Rt. 6 Box 105 A, Charleston, WV; alleges damage to property.
Refer to City Solicitor.

COMMUNICATIONS

**TO: JAMES REISHMAN
CITY CLERK**

**FROM: DANNY JONES
MAYOR**

RE: CHARLESTON CONVENTION AND VISITORS BUREAU BOARD

DATE: SEPTEMBER 4, 2007

I recommend that Dennis Vaughan, 2020 Kanawha Boulevard East, Charleston, WV 25311, be appointed to the Charleston Convention and Visitors Bureau Board, with an initial term to expire February 17, 2009. He is replacing Tom Susman

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

**TO: JAMES REISHMAN
CITY CLERK**

**FROM: DANNY JONES
MAYOR**

RE: SPRING HILL CEMETERY PARK COMMISSION

DATE: SEPTEMBER 4, 2007

I recommend that Bonnie Fidler, 1561 Clark Road, Charleston, WV 25314, be appointed to the Spring Hill Cemetery Park Commission, with an initial term to expire April 6, 2012. She is replacing Ann Stricklen.

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

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. 271-07, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 271-07: "Authorizing the Mayor to enter into an Agreement with Thaxton Construction Co., Inc., in the amount of \$119,930, to furnish all labor, materials and equipment necessary for construction of a Retaining Wall on Lucado Road."

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 Thaxton Construction Co., Inc., in the amount of \$119,930, to furnish all labor, materials and equipment necessary for construction of a Retaining Wall on Lucado Road. With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 265-07, adopted.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 271-07, adopted.

2. Your Committee on Finance has had under consideration Resolution No. 274-07, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 274-07 : “Authorizing the Mayor to enter into an Agreement with the United States Department of Justice, Drug Enforcement Administration (“DEA”), on behalf of the Charleston Police Department (“CPD”), to provide resources to CPD for officers to assist the West Virginia DEA HIDTA Task Force in achieving maximum cooperation in combined law enforcement efforts to address drug and violent crime related offenses in Charleston and surrounding communities. Federal funds up to \$15,854.25 per officer will be made available as reimbursement to the CPD for services rendered.”

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 the United States Department of Justice, Drug Enforcement Administration (“DEA”), on behalf of the Charleston Police Department (“CPD”), to provide resources to CPD for officers to assist the West Virginia DEA HIDTA Task Force in achieving maximum cooperation in combined law enforcement efforts to address drug and violent crime related offenses in Charleston and surrounding communities. Federal funds up to \$15,854.25 per officer will be made available as reimbursement to the CPD for services rendered.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 274-07, adopted.

3. Your Committee on Finance has had under consideration Resolution No. 275-07, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 275-07 : “Authorizing the Mayor to receive and administer grant funds in the amount of \$293,000 from the Governor’s Highway Safety Program for the 2007-2008 Safe Community Project. The funds will provide for the Coordinator’s salary, travel, training, materials/supplies, overtime for DUI patrols, Aggressive Driving and Click It or Ticket campaigns, occupant protection enforcement, and other activities associated with the Safe Community Project.”

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 grant funds in the amount of \$293,000 from the Governor’s Highway Safety Program for the 2007-2008 Safe Community Project. The funds will provide for the Coordinator’s salary, travel, training, materials/supplies, overtime for DUI patrols, Aggressive Driving and Click It or Ticket campaigns, occupant protection enforcement, and other activities associated with the Safe Community Project.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 275-07, adopted.

4. Your Committee on Finance has had under consideration Resolution No. 276-07, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 276-07: “Authorizing the Mayor to receive and administer grant funds from the Bureau of Justice Assistance, in the amount of \$187,507, to serve the Charleston Police Department (\$123,000) and the Kanawha County Sheriff’s Department (\$64,507). The grant provides resources for overtime in drug related offenses, travel, training, and 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 grant funds from the Bureau of Justice Assistance, in the amount of \$187,507, to serve the Charleston Police Department (\$123,000) and the Kanawha County Sheriff’s Department (\$64,507).

The grant provides resources for overtime in drug related offenses, travel, training, and equipment.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 276-07, adopted.

5. Your Committee on Finance has had under consideration Resolution No. 277-07, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 277-07: “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 Covenant House, Incorporated.”

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 agency:

Covenant House Incorporated	07LEDA0158	\$ 5,000
Covenant House Incorporated	07LEDA0159	\$10,000
Covenant House Incorporated	07LEDA0034	\$ 7,000

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-24, absent - 2, abstain – 1 as follows:

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

Talkington, Ware, White, Mayor Jones.

ABSTAIN: Weintraub

ABSENT: Higgins, Reishman.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 277-07, adopted.

6. Your Committee on Finance has had under consideration Resolution No. 278-07, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 278-07: “Authorizing the Mayor to enter into an Agreement between the City of Charleston (the “City”) and the West Virginia Department of Transportation, Division of Highways (the “Department”), for the Lee Street Bridge Lighting Project whereby the City is requesting approval from the Department for installation of lights on the bridge, which is a segment of the West Virginia Highway System and a main thoroughfare in the City. The Agreement sets forth the respective obligations of the Department and the City for the lighting project.”

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 between the City of Charleston (the “City”) and the West Virginia Department of Transportation, Division of Highways (the “Department”), for the Lee Street Bridge Lighting Project whereby the City is requesting approval from the Department for installation of lights on the bridge, which is a segment of the West Virginia Highway System and a main thoroughfare in the City. The Agreement sets forth the respective obligations of the Department and the City for the lighting project.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 278-07, adopted.

NEW BILLS

Introduced by Councilmember Mary Jean Davis, on September 4, 2007

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.

Refer to Municipal Planning Commission

Introduced by Councilmember Mary Jean Davis, on September 4, 2007

A Bill 7264 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.

Refer to Municipal Planning Commission

Introduced by Councilmember Mary Jean Davis, on September 4, 2007
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.
Refer to Municipal Planning Commission

Introduced by Councilmember Adam Knauff, on September 4, 2007
Bill No. 7281 amending the Zoning Ordinance of the City of Charleston, West Virginia, enacted the enacted the 1st day of January, 2006, as amended and the map made a part thereof, by rezoning from R-6 Medium Density Residential to C-8 Village Commercial District that certain parcel of land known as West Charleston 28, Parcels 114 - 115 - 116 - 117 - 118- and 119 in the City of Charleston, Kanawha County, West Virginia.
Refer to Municipal Planning Commission

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, Russell, Salisbury, Sheets, Smith, Talkington, Ware, Weintraub, White, Mayor Jones.
ABSENT: Higgins, Reishman.

At 7:35 p.m., on motion of Councilmember Harrison, Council adjourned until Monday, September 17, 2007, at 7:00 p.m.

Danny Jones, Honorable Mayor

James M. Reishman, City Clerk