

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

November 17, 2008

THE COUNCIL MET IN CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE SECOND MEETING IN THE MONTH OF NOVEMBER ON THE 17th DAY, IN THE YEAR 2008, 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 KNAUFF.

**BURTON
DEITZLER**

**HIGGINS
KNAUFF
MILLER
REISHMAN
SHEETS
WARE
MAYOR JONES**

**EALY
HARRIS
JONES
LANE
PAYNE
RUSSELL**

WEINTRAUB

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

TWENTY- FIVE 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. None

CLAIMS

1. A claim of Lori Richardson, 406 19th Street, Dunbar, WV; alleges personal injury. Refer to City Solicitor

COMMUNICATIONS

The Clerk read the appointment

TO: JAMES REISHMAN
CITY CLERK

FROM: DANNY JONES
MAYOR

RE: CHARLESTON WAYFINDING COMMISSION

DATE: NOVEMBER 17, 2008

I recommend that Georgette George, Ramada Plaza, 400 2nd Avenue, South Charleston, WV 25303, be reappointed to the Charleston Wayfinding Commission, with a term to expire September 1, 2010. She represents the City of South Charleston.

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 WAYFINDING COMMISSION

DATE: NOVEMBER 17, 2008

I recommend that Carolyn Charnock, 1410 Sweetbrier Road, Charleston, WV 25314, be

reappointed to the Charleston Wayfinding Commission, with a term to expire September 1, 2010. She represents the Kanawha County Commission.

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 WAYFINDING COMMISSION

DATE: NOVEMBER 17, 2008

I recommend that Mack Miles, 114 Bradford Street, Charleston, WV 25301, be reappointed to the Charleston Wayfinding Commission, with a term to expire September 1, 2010.

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

Council approved the appointment.

MISCELLANEOUS RESOLUTIONS

The Clerk read the Resolution:

Resolution No. 488-08

Introduced in Council: November 17, 2008 Passed by Council: November 17, 2008

Introduced by: Tom Lane, Will Hanna, Susie Salisbury,
Adam Knauff, Lewis Payne

RESOLUTION

WHEREAS, Cato Park is the largest and most utilized municipal park in the City of Charleston; and

WHEREAS, the Charleston Land Trust identified a 50-acre portion of Cato Park which is undeveloped and which could be ideal for hiking and biking trails; and

WHEREAS, a project was undertaken to create and improve trails on this portion of the park; and

WHEREAS, volunteers from the Generation Charleston, organized by the Community Outreach Team, joined with Land Trust members and personnel from the City Parks and Recreation Department on Saturday, August 23, 2008, to work on the trails in Cato Park and in one day of hard work improved approximately 1.5 miles of new trails and cleaned up the area by removing old tires and debris in the vicinity of the trails. This work also created safe and pleasant access to old existing trails and to Garrison Avenue; and

WHEREAS, this public-private endeavor serves to make Charleston a great city, and successes of this nature could not be possible without volunteer help. Those participating included:

Harvey Allen	Matt Kingery
Kami Baker	Jim Kline
Todd Beane	Adam Knauff
Rachelle Beckner	Rick Lord
Emily Bennington	Patrick Louka
Kent Boggess	Cindy Lowther
Billy Burdette	Kate McCoy
Rick Buzzard	Ronnie Mace
John Charnock	William Menke
Jennifer Clark	Brooke Pauley
Jeb Corey	Keith Pauley
Gabrielle Corey	Micah Pauley
Anna Dailey	Shannon Pauley
Brenden Dailey	Lewis Payne
Seth DeStefano	Titus Pauley
Matt Duke	Billy Joe Peyton
Danny Forinash	Eva Ristl
Claude Fowlkes	Rob Rosano
Lesley Hager	Susie Salisbury
Anna Hamilton	Mark Schiles
Rossi Getzkova	Susan Shew
Will Hanna	Dennis Strawn
Judy Hamilton	Amber Tincher
Kristin Holman	Chip VanAlsbury
Akisha Jones	Danielle Waltz
Christine Jones	Lynn Watts
Jason Keeling	Steven Wiley

WHEREAS, several local businesses and organizations donated food, drinking water, tools and materials, and labor to the trail building effort on Saturday, August 23, 2008. Those participating included:

Bellacino's
Home Depot
Krispy Kreme

National Multiple Sclerosis Society
Papa John's Pizza
Tyler Mountain Water Co.
Wendy's Old Fashioned Hamburger

NOW THEREFORE, Charleston City Council does hereby recognize and thank all of the volunteers of Generation Charleston, organized by the Community Outreach Team; the Charleston Land Trust; the Parks and Recreation Department; and the above-named businesses and organizations. Volunteer efforts of this nature make Charleston a great American city and serve as an example for similar initiatives.



Danny Jones
Mayor

Tom Lane
Council President

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 488-08, adopted.

STREETS AND TRAFFIC

Councilman David Higgins, of the Council Committee on Streets and traffic, submitted the following reports.

1. Your Committee on Streets and Traffic has had under consideration Bill No 7348, and reports the same to Council with the recommendation that the committee report be adopted.

A Bill to amend and reenact Ordinance No. 6351 passed on June 16, 1997 to increase the 15 minute Parking Tow-Away zone to a 30 Minute Parking Tow-Away zone on the northerly side of Smith Street from a point 66 feet east of Shrewsbury Street to a point 297 feet east of Shrewsbury 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.

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

Section 1. 30 Minute Parking Tow-Away zone on the northerly side of Smith Street from a point 66 feet east of Shrewsbury Street to a point 297 feet east of Shrewsbury Street is hereby established.

Section 2. 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, shall be and hereby are amended, to conform to this Ordinance.

Section 3. All prior Ordinances, inconsistent with this Ordinance are hereby repealed *to the* extent of said inconsistency.

The question being on the passage of the Bill a roll call was taken and there were; yeas-25, absent - 3, as follows:

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

ABSENT: Clowser, Hanna, Smith,

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7348, passed

2. Your Committee on Streets and Traffic has had under consideration Bill No 7360, and reports the same to Council with the recommendation that the committee report be adopted.

Bill No. 7360 - A Bill to establish a 20 Mile Per Hour speed limit on Loudon Heights Road from The intersection of Loudon Heights Road and Bendview Drive to the intersection of Loudon Heights Road And Loudon Heights Road near Somerlayton Drive (that being the 1800 Block of Loudon Heights Road), and amending the Traffic Control Map and Traffic Control File, 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.

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

Section 1. A 20 Mile Per Hour speed limit on Loudon Heights Road from the intersection of Loudon Heights Road and Bendview Drive to the intersection of Loudon Heights Road and Loudon Heights Road near Somerlayton Drive (that being the 1800 Block of Loudon Heights Road), is hereby established.

Section 2. 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, shall be and hereby are amended, to conform to this Ordinance.

Section 3. All prior Ordinances, inconsistent with this Ordinance are hereby repealed to the extent of said inconsistency.

The question being on the passage of the Bill a roll call was taken and there were; yeas-25, absent - 3, as follows:

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

ABSENT: Clowser, Hanna, Smith,

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7360, passed

3. Your Committee on Streets and Traffic has had under consideration Bill No 7361, and reports the same to Council with the recommendation that the committee report be adopted.

Bill No. 7361 - A Bill to establish a 15 Mile Per Hour speed limit on Briarwood Road and amending the Traffic Control Map and Traffic Control File, 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.

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

Section 1. A 15 Mile Per Hour speed limit on Briarwood Road is hereby established.

Section 2. 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, shall be and hereby are amended, to conform to this Ordinance.

Section 3. All prior Ordinances, inconsistent with this Ordinance are hereby repealed to the extent of said inconsistency.

The question being on the passage of the Bill a roll call was taken and there were; yeas-25, absent - 3, as follows:

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

ABSENT: Clowser, Hanna, Smith,

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7361, passed

4. Your Committee on Streets and Traffic has had under consideration Bill No 7362, and reports the same to Council with the recommendation that the committee report be adopted.

Bill No. 7362 - A Bill to establish a 20 Mile Per Hour speed limit on Dogwood Road, and amending the Traffic Control Map and Traffic Control File, 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.

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

Section 1. A 20 Mile Per Hour speed limit on Dogwood Road is hereby established.

Section 2. 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, shall be and hereby are amended, to conform to this Ordinance.

Section 3. All prior Ordinances, inconsistent with this Ordinance are hereby repealed to the extent of said inconsistency.

The question being on the passage of the Bill a roll call was taken and there were; yeas- 25, absent - 3, as follows:

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

ABSENT: Clowser, Hanna, Smith,

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7362, 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 485-08, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 485-08: "Authorizing "*Citizen Appreciation Parking*" for Saturday, November 29, 2008, and three Saturdays in December 2008 (December 6th, 13th, and 20th). "*Citizen Appreciation Parking*" shall include the waiving of hourly parking fees at all City-operated facilities (excluding Municipal Parking Building No. 2 / Cinema), and all metered on-street parking spaces. The parking revenue losses will amount to approximately \$1,000 per Saturday."

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

That Council is hereby authorized and directed to approve "*Citizen Appreciation Parking*" for Saturday, November 29, 2008, and three Saturdays in December 2008 (December 6th, 13th, and 20th). "*Citizen Appreciation Parking*" shall include the waiving of hourly parking fees at all City-operated facilities (excluding Municipal Parking Building No. 2 / Cinema), and all metered on-street parking spaces. The parking revenue losses will amount to approximately \$1,000 per Saturday.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 485-08, adopted.

2. Your Committee on Finance has had under consideration Resolution No 486-08, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 486-08: “Authorizing the Finance Director to establish a new fund to receive and administer funds designated for the purpose of facilities maintenance. The new fund will be established as *Fund 222—Facilities Maintenance*.”

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 receive and administer funds designated for the purpose of facilities maintenance. The new fund will be established as *Fund 222—Facilities Maintenance*.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 486-08, adopted.

3. Your Committee on Finance has had under consideration Resolution No 487-08, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 487-08: “Authorizing the Mayor to enter into a Service Agreement with WebQA for a Customer Relationship Manager (CRM) system. The system provides on-line customer service requests, knowledgebase, reporting capabilities, events calendar, document download, Google mapping, and message center. The cost for the system is \$695 per month, renewed annually, with a one-time implementation cost of \$2,750.”

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 Service Agreement with WebQA for a Customer Relationship Manager (CRM) system. The system provides on-line customer service requests, knowledgebase, reporting capabilities, events calendar, document download, Google mapping, and message center. The cost for the system is \$695 per month, renewed annually, with a one-time implementation cost of \$2,750.

Harry Deitzler made a motion to table the Resolution, Teresa Reed second the motion. The question being to table the Resolution a roll call was taken and there were; yeas-20, absent – 3, nays-5, as follows:

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

NAYS: Harrison, Higgins, Lanham, White, Mayor Jones.
With a majority of members elected recorded thereon as voting in the affirmative the Mayor tabled the Resolution.

REPORTS OF OFFICERS

1. Report of the City of Charleston, Municipal Court Financial Statements; October, 2008.

Received and Filed.

2. Report of the City of Charleston Payroll Variance Analysis; October 2008;

Received and Filed.

3. Report of the City of Charleston Financial Statements for the Four- Month Period Ended October 31, 2008.

Received and Filed.

4. City Treasurer's Report to City Council Month Ending October 2008.

Received and Filed.

NEW BILLS

Introduced by Council Member David Higgins on November 17, 2008:

Bill No. 7363 - A Bill to establish two metered vehicular parking spaces for the exclusive use, twenty- four hours a day, of the physically disabled on the easterly side of Goshorn Street from a point 33 feet south of Quarrier Street to a point 73 feet south of Quarrier Street and 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.

Introduced by Council Member Mose Lanham on November 17, 2008:

Bill No. 7364 - A Bill to repeal Ordinance No. 1035, Section 1, passed by Council on January 6, 1969, relating to a vehicular parking prohibited on Hendrix Avenue from Washington Street to a point one hundred twenty-five (125) feet north of said 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 Committee.

Introduced by Council Member Mose Lanham on November 17, 2008:

Bill No. 7365 - A Bill to establish a No Parking Anytime Tow-Away zone on the easterly side of Hendrix Avenue from Washington Street West to the westerly leg of Frame Street, and on the westerly side of Hendrix Avenue from Washington Street West to a point 61 feet North of Washington Street West, 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 Committee.

Introduced by Council Member Mary Jean Davis on November 17, 2008:
Bill No. 7366 - A Bill to establish a No Parking Anytime Tow-Away zone on the westerly side of 26th Street, West from the Norfolk Southern Railroad Tracks to a point 120 feet north of the Railroad Tracks, 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 Committee.

Introduced by Council Member Greg Burton on November 17, 2008:
Bill No. 7367 - A Bill to establish Perpendicular Parking on the westerly side of 48th Street SE, from MacCorkle Avenue to a point 112 feet south of MacCorkle Avenue 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 Committee.

Introduced by Council Member Greg Burton on November 17, 2008:
Bill No. 7368 - A Bill to establish vehicular parking zone for exclusive use of the physically disabled on the westerly Side of 48th Street SE from a point 60 Feet south of MacCorkle Ave., to a point 80 feet south of MacCorkle Ave., 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 16, 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 hundred fourteen, Article five, to conform therewith.
Refer to Streets and Traffic Committee.

Introduced by Council Member John Miller on November 17, 2008:
Bill No. 7369 - A Bill to establish Perpendicular Parking on the easterly side of 54th Street, SE, from MacCorkle Avenue to a point 156 feet north of MacCorkle Avenue and to establish a 30 degree angle parking on the westerly Side of 54th Street SE, from Noyes Avenue to a point 141 feet south of Noyes Avenue, 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 Committee.

Introduced by Council Member Bobby Reishman on November 17, 2008:
Bill No. 7370 - An Ordinance Authorizing The Issuance By The City Of Charleston, West Virginia, Of Not More Than \$14,500,000 In Aggregate Principal Amount Of Its

Multifamily Housing Revenue Bond (Littlepage Terrace Apartments Project), Series 2008 A, And Multifamily Housing Revenue Bond (Washington Manor Apartments Project), Series 2008 B, In Two Series, To Provide Funds To Acquire, Construct And Equip Commercial Projects In Kanawha County, West Virginia, Consisting Of The Demolition Of Existing Multifamily Rental Housing Projects And The Construction Of New Multifamily Rental Housing Projects And To Pay Such Other Costs In Connection Therewith; Approving The Loan Of Said Bond Proceeds; Authorizing The Execution And Delivery Of A Trust Indenture, A Financing Agreement, A Regulatory Agreement, A Composite Bond Purchase Agreement, An Interest Rate Agreement And An Assignment, And Authorizing The Distribution Of Offering Documents; And Taking Other Necessary Actions In Connection With The Issuance And Sale Of Such Bonds. Refer to Finance Committee.

ROLL CALL

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

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

ABSENT: Clowser, Hanna, Smith

At 8:15 p.m., by a motion from Councilmember Harrison, Council adjourned until Monday, December 1, 2008, at 7:00 p.m.

Danny Jones, Honorable Mayor

James M. Reishman, City Clerk