

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

**August 18, 2008**

**THE COUNCIL MET IN CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE SECOND MEETING IN THE MONTH OF AUGUST ON THE 18<sup>th</sup> 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 WARE.**

**BURTON  
DEITZLER**

**HIGGINS  
KNAUFF  
MILLER  
REISHMAN  
SHEETS**

**MAYOR JONES**

**CLOUSER**

**HARRIS  
JONES  
LANE  
PAYNE  
RUSSELL  
SMITH  
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 Jeff Carpenter, 2604 Woodland Ave., Dunbar, WV; alleges personal injury.

Refer to City Solicitor

2. A claim of James Waybright, 3306 5<sup>th</sup> Ave., Charleston, WV; alleges damage to property.

Refer to City Solicitor

3. A claim of Tammie Stephens, 2205 Zabel Drive, Charleston, WV; alleges personal injury.

Refer to City Solicitor

4. A claim of Martec Washington, 310 Monongalia St., Charleston, WV; alleges damage to property.

Refer to City Solicitor

5. A claim of Garland & Brenda Johnson, 2317 4<sup>th</sup> Ave., Charleston, WV; alleges damage to property.

Refer to City Solicitor

### ***STREETS AND TRAFFIC COMMITTEE***

Councilperson David Higgins, Chairman of the Council Committee on Streets and Traffic, submitted the following report.

1. Your Committee on Streets and Traffic has had under consideration Bill No. 7343, and reports the same to Council with the recommendation that the Bill pass.

Bill No. 7343- A Bill to prohibit Vehicular Parking for more than one hour on the Westerly Side of 53<sup>rd</sup> Street from MacCorkle Avenue S.E., to a point 157 feet south of MacCorkle Ave., S.E., 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. Vehicular parking is hereby prohibited for more than one hour on the Westerly Side of 53<sup>rd</sup> Street from MacCorkle Avenue S.E., to a point 157 feet south of MacCorkle Ave., S.E.

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, Clowser, Davis, Deitzler, Hall, Harris, Harrison, Higgins, Jones, Kirk, Knauff, Lane, Lanham, Miller, Payne, Reed, Reishman, Russell, Salisbury, Sheets, Smith, Talkington, Weintraub, White, Mayor Jones.

ABSENT: Ealy, Hanna, Ware

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7343, passed.

### **PLANNING**

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

1. Your Committee on Planning has had under consideration Street Renaming, and reports the same to Council with the recommendation that the Street Renaming be approved.

Street Renaming-Shark Lane to Roderick Road, Application of John Miesner on behalf of petitioners from South Hills Swim Club requesting to rename the existing Shark Lane to Roderick Road, Charleston, WV in compliance with the Statewide Addressing and 911 System.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the Street Renaming approved.

2. Your Committee on Planning has had under consideration Street naming, and reports the same to Council with the recommendation that the Street naming be approved.

Street Naming – Burr lane

Application of Wilbur Thaxton on behalf of adjacent property owners requesting the private street located off of Piccadilly Street north of Evergreen Street in the City of Charleston named Burr Lane in compliance with the Statewide Addressing and 911 System.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the Street naming approved.

### **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. 435-08, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 435-08: "Authorizing the Finance Director to amend the 2008-2009 General Fund budget as indicated on the attached list of accounts."

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 2008-2009 General Fund budget as indicated on the attached list of accounts; and be it

FURTHER RESOLVED that this budgetary revision is being made prior to the expenditure or obligation of funds for which no appropriation or insufficient appropriation currently exists.

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

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

ABSENT: Ealy, Hanna, Ware

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 435-08 adopted.

2. Your Committee on Finance has had under consideration Resolution No. 436-08, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 436-08: "Authorizing the Finance Director to amend the 2006, 2007 and 2008 Community Development Block Grant budgets as indicated on the attached list of accounts."

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, 2007 and 2008 Community Development Block Grant budgets as indicated on the attached list of accounts.

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

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

ABSENT: Ealy, Hanna, Ware

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 436-08 adopted.

3. Your Committee on Finance has had under consideration Resolution No. 437-08, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 437-08: “Authorizing the Mayor to sign Community Participation Grant Program contracts between the City of Charleston and the West Virginia Development Office on behalf of two agencies.”

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

That the Mayor is hereby authorized and directed to sign Community Participation Grant Program contracts between the City of Charleston and the West Virginia Development Office on behalf of the following agencies:

West Virginia Humanities Council	06LEDA0435	\$15,000.00
Hooten-Wesley Tiskelwah Community Center	07LEDA0165	\$10,000.00

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 437-08, adopted.

4. Your Committee on Finance has had under consideration Resolution No. 438-08, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 438-08 – “Authorizing the Mayor to enter into a License Agreement with Ridge Line, Inc. for the use of property in Southridge Centre, at no charge to the City of Charleston, to facilitate the availability of athletic fields to the public.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CHARLESTON, WEST VIRGINIA that upon review and approval of the final agreement by legal counsel for the City, the Mayor is hereby authorized to enter into a License Agreement with Ridge Line, Inc. for the use of property in Southridge Centre, at no charge to the City of Charleston, to facilitate the availability of athletic fields to the public.”

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 438-08, adopted.

5. Your Committee on Finance has had under consideration Resolution No. 439-08, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 439-08 \_\_\_\_\_ – “Authorizing the Mayor to enter into a lease agreement with Charleston Clean Energy, LLC, to facilitate the production of landfill gas located on property owned by the City and commonly known as the Charleston Landfill; said lease shall be for a primary term of three (3) years, renewable subject to the Agreement and for so long as production continues, and subject to a fifty (50) year limitation pursuant to W.Va. Code § 8-12-18, shall provide for royalty payments to the City of twelve and one half percent (12.5%) on all landfill gases produced pursuant to the agreement or, alternatively, a minimum of four thousand dollars (\$4,000.00) per year, and shall otherwise be consistent with the general terms contained in the proposed draft agreement attached hereto as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CHARLESTON, WEST VIRGINIA that upon review and approval of the final lease agreement by legal counsel for the City, the Mayor is hereby authorized to enter into a lease agreement with Charleston Clean Energy, LLC, to facilitate the production of landfill gas located on property owned by the City and commonly known as the Charleston Landfill; said lease shall be for a primary term of three (3) years, renewable subject to the Agreement and for so long as production continues, and subject to a fifty (50) year limitation pursuant to W.Va. Code § 8-12-18, shall provide for royalty payments to the City of twelve and one half percent (12.5%) on all landfill gases produced pursuant to the agreement or, alternatively, a minimum of four thousand dollars (\$4,000.00) per year, and shall otherwise be consistent with the general terms contained in the proposed draft agreement attached hereto as Exhibit A.

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

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

ABSENT: Ealy, Hanna, Ware

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 439-08 adopted.

6. Your Committee on Finance has had under consideration a Proposal submitted by Baker Equipment for purchase of two Replacement Beds for 2002 Ford F550 Dump Trucks, in the amount of \$7,292 each, for a total of \$14,584. The trucks are used by the Street Department for spreading salt to remove ice and snow from City streets. 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.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the committee report, adopted.

7. Your Committee on Finance has had under consideration a Proposal submitted by General Truck Sales Corporation for purchase of one Chipper Truck, in the amount of \$58,000, to be used by the Street Department. To be charged to Account No. 001-977-

00-750-4-459, Street Capital Outlay, Equip.  
(Part of Lease/Purchase Escrow Account Schedule #1000132835 for FY 2008-2009). ,  
and reports the same to Council with the recommendation that the Committee Report  
be adopted.

With a majority of members elected recorded thereon as voting in the affirmative the  
Mayor declared the committee report, adopted.

8. Your Committee on Finance has had under consideration a Bid submitted by Trinity  
Highway Products, LLC, in the amount of \$13,950, for purchase of guardrail sections  
and related materials to be used on an as needed basis by the Street Department for  
various projects throughout the City. To be charged to Account No. 001-750-00-000-3-  
341, Street—Materials & Supplies, and reports the same to Council with the  
recommendation that the Committee Report be adopted.

With a majority of members elected recorded thereon as voting in the affirmative the  
Mayor declared the committee report, adopted.

### **REPORTS OF OFFICERS**

1. Report of the City of Charleston, Municipal Court Financial Statements; July, 2008.  
Received and Filed.

2. Report of the City of Charleston Payroll Variance Analysis; June 2008;  
Received and Filed.

3. City Treasurer's Report to City Council Month Ending July 2008.  
Received and Filed.

### **NEW BILLS**

Introduced by Council Member Ed Talkington on August 18, 2008:

Bill No. 7345 - A Bill amending and reenacting Chapter 98, Article II, Section 71 of the  
Charleston City Code to increase the income threshold to be eligible for reduced refuse  
collection rates effective October 1, 2008.

Refer to Environment and Recycling Committee.

## **ROLL CALL**

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

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

ABSENT: Ealy, Hanna, Ware

At 7:45 p.m., by a motion from Councilmember Harrison, Council adjourned until Tuesday, September 2, 2008, at 7:00 p.m.

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Danny Jones, Honorable Mayor

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James M. Reishman, City Clerk