

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

September 15, 2008

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 15th 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 HARRIS.

BURTON

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

CLOUSER

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

DAVIS

**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. World's Strongest Man Recognition (Rod Blackstone)
2. Larna Kay McConaha – Street Crimes on Hanna Drive
3. Larry E. McConaha - Street Crimes on Hanna Drive
4. Julia Moran – West Side Mainstreet, October West

CLAIMS

1. A claim of Josanna Kim Aaron, 3 Maple Tree Lane, Cross Lanes, WV; alleges damage to vehicle.

Refer to City Solicitor

ORDINANCE AND RULES

Councilman Jack Harrison Chairman of the Council Committee on Ordinance and Rules, submitted the following reports.

Bill No. 7344: A BILL to enact Chapter 3, Article II, Section 3-15 of the Municipal Code of the City of Charleston for the purpose of allowing for the modification of the process for procurement of architectural and engineering services

Now, therefore, be it Ordained by the Council of the City of Charleston, West Virginia:

That under the authority granted to the City of Charleston under W. Va. Code § 8-1-5a, Chapter 3, Article II, Section 3-15 of the Code of the City of Charleston, West Virginia, is hereby created to read as follows:

Sec. 3-15 Procurement of architectural and engineering services

- (a) In the procurement of architectural and engineering services for projects with an estimated cost of construction of seven hundred fifty thousand dollars (\$750,000) or more, competition shall be sought by the City Manager through a solicitation of interest which shall include information regarding project ownership, intended use, project scope, schedule, quality, budget, funding sources, known proposed contract terms, and firm selection procedures. The solicitation of interest shall be advertised by the City Manager once a week for two successive weeks in a newspaper of general circulation published in the city. The City Manager shall appoint and chair a committee of three to five persons to evaluate the statements of qualifications and other information solicited and/or submitted by interested firms. The committee shall short list and then interview a maximum of five firms, and then shall develop the scope of services, solicit price, and negotiate a

contract to recommend to Council for final approval in the manner it deems most expedient given the project, the circumstances, and the best interest of the City.

(b) If in the judgment of the City Manager the project has an estimated construction cost of under seven hundred and fifty thousand dollars (\$750,000), or an emergency exists and seeking competition is not practical or in the best interest of the City given the project, the City Manager may select and contract with a firm based upon known or submitted qualifications acquired within the last thirty-six (36) months from a public solicitation.

(c) No contract may be authorized to any business or individual that is delinquent in any financial obligation to the city or is not operating with all required licenses and permits.

The question being on the passage of the Bill a roll call was taken and there were; yeas-26, absent - 2, as follows:

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

ABSENT: Higgins, Smith ABSTAIN: Weintraub

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7344, passed.

PLANNING

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

Bill No. 7336: A Bill to amend § 3-050 § 3-060, of the Zoning Ordinance for the City of Charleston as follows:

WHEREAS, the City of Charleston intends to enhance the attractiveness and economic well-being of the City as a place to live and conduct business; and

WHEREAS, the City of Charleston intends to guide future growth and development in general accordance with the City of Charleston Comprehensive Plan and individual neighborhood plans, and

WHEREAS, the City of Charleston desires to protect the character and the social and economic stability of all parts of the City; encourage orderly and beneficial development; and protect and preserve the value of land and buildings

Now, therefore, be it Ordained by the Council of the City of Charleston, West Virginia:

That § 3-050 § 3-060, of the Zoning Ordinance for the City of Charleston are amended as follows
Section 3-050

PERMITTED USE	R-2	R-4	R-6	R-8	R-10	R-O	C-4	C-8	C-10	C-12	CB D	PM C	I-2	I-4	PU D	SUP P.
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<i>Beauty Salon/Barber Shop</i>					<u>C</u>	<u>C</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>					<u>49</u>
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<i>Nail Salon</i>							<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>						
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Section 3-060

49. Personal Services Establishments:

- a. Operators shall be in compliance with all licensing requirements of the State of WV.
- b. Beauty and Barber Shops in the R-10 and R-O districts shall offer nail and other services only as accessory to the primary services offered by the establishment.
- c. Retail sales of products shall be accessory to the primary services of the establishment and shall not constitute more than 25% of the total sales volume of the establishment.

Re-number accordingly

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; yeas- 26, absent - 2, as follows:

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

ABSENT: Higgins, Smith ABSTAIN: Weintraub

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7336, 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 444-08, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 444 -08 : "Authorizing the Mayor to enter into an

agreement with the West Virginia Department of Transportation, Division of Highways, a copy of which is attached as Exhibit A hereto, for the purpose of modification of an existing traffic signal at the intersection of U.S. 60 (Washington Street West) and Edgewood Drive, said authorization being granted by resolution pursuant to the Municipal Code of the City of Charleston Chapter 3, Article II, Section 3-12.”

WHEREAS, Nu Rental, LLC is constructing a new driveway approach to serve the new Walgreens on Washington Street; and

WHEREAS, it will be of benefit to the safety of the traveling public to regulate traffic entering and exiting the intersection of U.S. 60 and Edgewood Drive from the new driveway approach; and

WHEREAS, Nu Rental, LLC has agreed to pay for the modifications of the traffic signal; now, therefore,

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 West Virginia Department of Transportation, Division of Highways, a copy of which is attached as Exhibit A hereto, for the purpose of modification of an existing traffic signal at the intersection of U.S. 60 (Washington Street West) and Edgewood Drive.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 444-08, adopted.

2. Your Committee on Finance has had under consideration Resolution No. 445-08, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 445-08: “Authorizing the Mayor to sign Community Participation Grant Program contracts between the City of Charleston and the West Virginia Development Office for eight projects.”

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:

Daymark Incorporated	06LEDA0115	\$ 8,000.00
East End Main Street	06CPGP0227N	\$ 5,333.00
Aids Memorial Garden	08CPGP0082	\$ 1,500.00
Aids Memorial Garden	08LEDA0200	\$ 1,000.00
Covenant House Inc.	08LEDA0179	\$ 2,000.00
Tiskelwah Community Center	08LEDA0180	\$15,000.00
East End Family Resource Ctr.	08LEDA0182	\$ 5,000.00

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-25, absent - 2, abstain-1, as follows:

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

ABSENT: Higgins, Smith

ABSTAIN: Weintraub

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 445-08 adopted

3. Your Committee on Finance has had under consideration Resolution No. 446-08, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 446-08: "Authorizing the Finance Director to amend the 2008-2009 Civic Center 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 Civic Center budget 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-26, absent - 2, as follows:

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

ABSENT: Higgins, Smith

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 446-08 adopted

4. Your Committee on Finance has had under consideration Resolution No. 447-08, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 447-08: "Authorizing the Mayor to enter into a contract with Electronic Communications of West Virginia, Inc., in an amount not to exceed \$15,629.98, for replacing the Charleston Police Channel One and Channel Two Base Station Repeaters. The price includes labor and installation costs."

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 contract with Electronic Communications of West Virginia, Inc., in an amount not to exceed \$15,629.98, for

replacing the Charleston Police Channel One and Channel Two Base Station Repeaters. The price includes labor and installation costs.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-26, absent - 2, as follows:

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

ABSENT: Higgins, Smith

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 447-08 adopted

5. Your committee on Finance has had under consideration a proposal submitted by Motorola, Inc., in the amount of \$38,155, for purchase of a Motorola Printrak LiveScan 4000 Electronic Fingerprinting System for the Charleston Police Department Booking office. To be charged to Account No. 043-700-00-000-4-459, Police Forfeitures, 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.

6. Your committee on Finance has had under consideration a proposal submitted by Country Club Chrysler Dodge, for purchase of a 2009 Dodge Durango for the Charleston Fire Department to replace a 2005 Dodge Durango demolished in an accident on August 31, 2008, at the intersection of Lee Street and Pennsylvania Avenue To be charged to Account No. 001-976-00-706-4-459, Fire—Capital Outlay, Equipment (Part of Lease/Purchase Escrow Account Schedule No. 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.

REPORTS OF OFFICERS

1. Report of the City of Charleston, Municipal Court Financial Statements; August 2008.
2. Report of the City of Charleston Payroll Variance Analysis; July 2008.

NEW BILLS

Introduced by Council Members David Higgins, Bobby Reishman, Mary Jean Davis, Harry Deitzler, Will Hanna, Jack Harrison, Tom Lane, Kasey Russell, Jerry Ware on September 15, 2008:

Bill No. 7353: A BILL to enact Chapter 3, Article II, Section 3-11 of the Municipal Code of the City of Charleston for the purpose of establishing a hearing procedure for notice of liens filed with regard to delinquent city service fees.

Refer to Rules and Ordinance Committee

ROLL CALL

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

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

ABSENT: Higgins, Smith

At 7:45 p.m., by a motion from Councilmember Harrison, Council adjourned until Monday, October 6, 2008, at 7:00 p.m.

Danny Jones, Honorable Mayor

James M. Reishman, City Clerk