**JOURNAL**

**OF THE**

**COUNCIL**

**CITY OF CHARLESTON**

**WEST VIRGINIA**

**August 19, 2013**

 **THE COUNCIL MET IN THE CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE SECOND MEETING IN THE MONTH OF AUGUST ON THE 19th DAY, IN THE YEAR 2013, AND WAS CALLED TO ORDER BY THE HONORABLE MAYOR, DANNY JONES. THE INVOCATION WAS DELIVERED BY COUNCILMAN EALY AND THE PLEDGE OF ALLEGIANCE WAS LED BY A JEEVAN MURTHY.**

**BURKA BURTON CLOWSER**

**DAVIS DENEAULT DODRILL**

**EALY HAAS HARRISON**

**HOOVER KIRK LANE MILLER MINARDI NICHOLS PERSINGER REISHMAN RICHARDSON RUSSELL SALISBURY SHEETS SMITH SNODGRASS STAJDUHAR TALKINGTON WARE WHITE**

**MAYOR JONES**

**WITH TWENTY-THREE 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. Madeline Berry
2. Thomas Dotson
3. Chelsea Staley

***CLAIMS***

1. A claim of Tina Sevy, 5205 Washington Ave., SE1404 Myers Avenue, Dunbar, WV; alleges damage to property.

Refer to City Solicitor.

2. A claim of Luther Lasure, 3910 Noyes Ave., Charleston, WV; alleges damage to property.

Refer to City Solicitor.

3. A claim of Vanessa Miller, 830 Westminster Way, Charleston, WV; alleges damage to vehicle.

Refer to City Solicitor.

4. A claim of Thomas Adams, 2706 Lincoln Ave., St. Albans, WV; damage to property.

Refer to City Solicitor.

***STREETS AND TRAFFIC***

Councilperson Joe Deneault, Chairperson 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. 340-13, and reports the same to Council with the recommendation that the resolution be adopted.

***FINANCE***

Councilperson Bobby Reishman, Chairperson of the Council Committee on Finance, submitted the following reports.

1. Your Committee on Finance has had under consideration Resolution No 340-13, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 340-13 : “Authorizing the Finance Director to amend the FY 2013-2014 Parking System 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 FY 2013-2014 Parking System 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: Burka, Burton, Clowser, Davis, Deneault, Dodrill, Ealy, Haas, Harrison, Hoover, Kirk, Lane,Miller, Nichols, Persinger, Reishman, Richardson, Salisbury, Sheets, Smith, Snodgrass Stajduhar, Talkington, Ware, White, Mayor Jones.

ABSENT: Minardi, Russell

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 340-13, adopted.

2. Your Committee on Finance has had under consideration Resolution No 341-13, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 341-13 : “Authorizing the Mayor or City Manager to enter into an Agreement with Garcie R. Marker & Sons, Inc., in the amount of $211,500, for the Concrete Curb and Sidewalk project.”

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

That the Mayor or City Manager is hereby authorized and directed to enter into an Agreement with Garcie R. Marker & Sons, Inc., in the amount of $211,500, for the Concrete Curb and Sidewalk project.

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

YEAS: Burka, Burton, Clowser, Davis, Deneault, Dodrill, Ealy, Haas, Harrison, Hoover, Kirk, Lane,Miller, Nichols, Persinger, Reishman, Richardson, Salisbury, Sheets, Smith, Snodgrass Stajduhar, Talkington, Ware, White, Mayor Jones.

ABSENT: Minardi, Russell

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 341-13, adopted.

3. Your Committee on Finance has had under consideration Resolution No 342-13, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 342-13 : “Authorizing the Mayor or City Manager to sign Change Order No. 2 with Fields Excavating, Inc., in the amount of $5,625.00, for the Court Street Pump Station Improvements project, providing for the changes indicated on Attachment A. This change order increases the contract price from $491,333.79 to $496,958.79.”

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

That the Mayor or City Manager is hereby authorized and directed to sign Change Order No. 2 with Fields Excavating, Inc., in the amount of $5,625.00, for the Court Street Pump Station Improvements project, providing for the changes indicated on Attachment A. This change order increases the contract price from $491,333.79 to $496,958.79.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 342-13 adopted.

4. Your Committee on Finance has had under consideration Resolution No 343-13, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 343-13 : “Approving settlement of pending litigation, captioned *Glenna Mason and Donald Mason v. City of Charleston, West Virginia,* Civil Action No. 11-C-2115, Kanawha County Circuit Court, Judge James C. Stucky, in the amount of $20,000.00 and authorizing the Mayor or his designee to execute any documents necessary to consummate the full settlement and dismissal of the pending civil action in exchange for a full release by Plaintiff of all claims stemming from a May 28, 2010, incident.”

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

That the City Council for the City of Charleston hereby approves settlement of pending litigation, c captioned *Glenna Mason and Donald Mason v. City of Charleston, West Virginia,* Civil Action No. 11-C-2115, Kanawha County Circuit Court, Judge James C. Stucky, in the amount of $20,000.00, and hereby authorizes the Mayor or his designee to execute any documents necessary to consummate the full settlement and dismissal of the pending civil action in exchange for a full release by Plaintiff of all claims stemming from a May 28, 2010 incident.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 343-13 adopted.

5. Your Committee on Finance has had under consideration Resolution No 344-13, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 344-13 : “Authorizing the Finance Director to establish Fund 427, City of Charleston Development District No. 1 - Civic and Convention Center Project, to receive Tax Incremental Financing District (TIFD) property tax revenue and account for expenses incurred and/or debt issued for the “TIF Project” which consists of renovating, equipping, and expanding the Charleston Civic Center, to include creating a walking trail connected to the Charleston Civic Center and paying engineering, administrative and other professional costs related to the Project.”

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

That the Finance Director is hereby authorized and directed to establish Fund 427, City of Charleston Development District No. 1 – Civic and Convention Center Project, to receive Tax Incremental Financing District (TIFD) property tax revenue and account for expenses incurred and/or debt issued for the “TIF Project” which consists of renovating, equipping, and expanding the Charleston Civic Center, to include creating a walking trail connected to the Charleston Civic Center and paying engineering, administrative and other professional costs related to the Project

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 344-13 adopted.

6. Your Committee on Finance has had under consideration Resolution No 345-13, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 345-13 : “Authorizing the Finance Director to amend the FY 2013-2014 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 FY 2013-2014 General Fund 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: Burka, Burton, Clowser, Davis, Deneault, Dodrill, Ealy, Haas, Harrison, Hoover, Kirk, Lane,Miller, Nichols, Persinger, Reishman, Richardson, Salisbury, Sheets, Smith, Snodgrass Stajduhar, Talkington, Ware, White, Mayor Jones.

ABSENT: Minardi, Russell

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 345-13, adopted.

7. Your committee on Finance has under consideration a bid submitted by Morton Salt, in the amount of $51.36 per ton, for purchase of salt to be used by the Street Department on an as needed basis for snow and ice removal. To be charged to Account No. 001-750-00-000-3-359, Street—Snow Removal Materials

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 under consideration a bid submitted by American Asphalt of West Virginia for purchase of Bituminous Concrete (asphalt) on an as needed basis at $69.00 per ton for Wearing Course Material Type 1; and $64.00 per ton for Patching and Leveling Material Leveling Material Type 1 to be used by the Street Department. To be charged to Account No. 001-750-00-000-3-341, Street—Materials & Supplies

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the Committee Report adopted.

9. A Your committee on Finance has under consideration a bid submitted by Essroc Ready Mix for purchase of Portland Cement Concrete to be used by the Street Department on an as needed basis at the prices listed on the attached tabulation sheet. To be charged to Account No. 001-750-00-000-3-341, Street—Materials & Supplies

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the Committee Report adopted.

10. Your committee on Finance has under consideration a bid submitted by Martin Marietta Aggregates for purchase of various classes and sizes of aggregate at the prices listed on the attached tabulation sheet. The aggregate will be used by the Street Department on projects undertaken throughout Fiscal Year 2013-2014. To be charged to Account No. 001-750-00-000-3-341, Street—Materials & Supplies

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the Committee Report adopted.

**NEW BILLS**

Introduced by Council member Mary Jean Davis on August 5, 2013:

Bill No 7586 – 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-8 district to a R-O district, that certain parcel of land situated at 933 Oakhurst Drive, Charleston, West Virginia.

Refer to Municipal Planning Commission and Planning Committee.

Introduced by Council member Robert Sheets on August 5, 2013:

Bill No. 7590 - A Bill to create a No Parking Anytime Tow Away Zone on the southerly side of Donnally Street from Dominion Place to a point 42 feet west of Dominion Place 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 Jack Harrison on August 5, 2013:

Bill No. 7592 - A BILL to amend Chapter 14, Article II, Section 14-33 of the Municipal Code of the City of Charleston for the purpose of updating the Building Code of the City of Charleston to be consistent with the recently amended State Building Code as set forth in W. Va. Code § 29-3-5, and State of West Virginia Title 87, Legislative Rule Series 4 (§ 87-4-1 et seq.).

Refer to Ordinance and Rules Committee.

**ROLL CALL**

*The Clerk called the roll:*

YEAS: Burka, Burton, Clowser, Davis, Deneault, Dodrill, Ealy, Haas, Harrison, Hoover, Kirk, Lane,Miller, Nichols, Persinger, Reishman, Richardson, Salisbury, Sheets, Smith, Snodgrass Stajduhar, Talkington, Ware, White, Mayor Jones.

ABSENT: Minardi, Russell,

At 7:35 p.m., by a motion from Councilmember Harrison, Council adjourned until Monday, August 19, 2013, at 7:00 p.m.

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Danny Jones, Honorable Mayor

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James M. Reishman, City Clerk