**JOURNAL**

**OF THE**

**COUNCIL**

**CITY OF CHARLESTON**

**WEST VIRGINIA**

**OCTOBER 15, 2012**

 **THE COUNCIL MET IN CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE SECOND MEETING IN THE MONTH OF OCTOBER ON THE 15th DAY, IN THE YEAR 2012, AND WAS CALLED TO ORDER BY THE HONORABLE MAYOR, DANNY JONES. THE INVOCATION WAS DELIVERED BY EALY AND THE PLEDGE OF ALLEGIANCE WAS LED BY DAVIS.**

 **BURKA BURTON CLOWSER DAVIS DENEAULT DODRILL**

**EALY HAAS**

**KIRK LANE MILLER**

**MINARDI NICHOLS PERSINGER**

**REISHMAN RICHARDSON RUSSELL**

**SALISBURY SHEETS SMITH**

**SNODGRASS STAJDUHAR TALKINGTON**

**WARE WEINTRAUB WHITE**

**MAYOR JONES**

**WITH TWENTY-SEVEN 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***

none

***CLAIMS***

1. A claim of Mary Lou Hudgins, 2008 Shore St., Point Pleasant, WV; alleges personal injury.

Refer to City Solicitor

2. A claim of Andrew Stephen Mallory, 1553 Summit Drive, Charleston, WV alleges damage to vehicle.

Refer to City Solicitor.

***COMMUNICATIONS***

*The Clerk read the Appointments:*

TO: JAMES REISHMAN, CITY CLERK

FROM: DANNY JONES, MAYOR

RE: MUNICIPAL PLANNING COMMISSION

DATE: OCTOBER 15, 2012

I recommend that Aric Margolis, 318 Lee Street, West, Suite 200, Charleston, WV 25302, be reappointed to the Municipal Planning Commission, with a said term to expire July 1, 2015.

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

*With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the appointment confirmed.*

TO: JAMES REISHMAN, CITY CLERK

FROM: DANNY JONES, MAYOR

RE: MUNICIPAL PLANNING COMMISSION

DATE: OCTOBER 15, 2012

I recommend that Jackie Rosencrance, 3901 Kanawha Avenue, Charleston, WV 25305, be reappointed to the Municipal Planning Commission, with a said term to expire July 1, 2015.

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

*With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the appointment confirmed.*

TO: JAMES REISHMAN, CITY CLERK

FROM: DANNY JONES, MAYOR

RE: MUNICIPAL PLANNING COMMISSION

DATE: OCTOBER 15, 2012

I recommend that Margo Teeter, 4307 Kanawha Avenue, Charleston, WV 25304, be reappointed to the Municipal Planning Commission, with a said term to expire July 1, 2015.

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

*With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the appointment confirmed.*

TO: JAMES REISHMAN, CITY CLERK

FROM: DANNY JONES, MAYOR

RE: MUNICIPAL PLANNING COMMISSION

DATE: OCTOBER 15, 2012

I recommend that Rev. Braxton Broady, 101 Florida Street, Charleston, WV 25312, be reappointed to the Municipal Planning Commission, with a said term to expire July 1, 2015.

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

*With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the appointment confirmed.*

TO: JAMES REISHMAN, CITY CLERK

FROM: DANNY JONES, MAYOR

RE: MUNICIPAL PLANNING COMMISSION

DATE: OCTOBER 15, 2012

I recommend that Teresa Moore, 712 Park Avenue, Charleston, WV 25302, be reappointed to the Municipal Planning Commission, with a said term to expire July 1, 2015.

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

*With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the appointment confirmed.*

TO: JAMES REISHMAN, CITY CLERK

FROM: DANNY JONES, MAYOR

RE: CHARLESTON HISTORIC LANDMARKS COMMISSION

DATE: OCTOBER 15, 2012

I recommend that Jody Connell, 242 Baker Lane, Apt. 1312, Charleston, WV 25302, be reappointed to the Charleston Historic Landmarks Commission, with a said term to expire September 1, 2014.

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

*With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the appointment confirmed.*

TO: JAMES REISHMAN, CITY CLERK

FROM: DANNY JONES, MAYOR

RE: CHARLESTON HISTORIC LANDMARKS COMMISSION

DATE: OCTOBER 15, 2012

I recommend that Bill Melton, 1555 Lee Street, East, Charleston, WV 25311, be reappointed to the Charleston Historic Landmarks Commission, with a said term to expire September 1, 2014.

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

*With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the appointment confirmed.*

TO: JAMES REISHMAN, CITY CLERK

FROM: DANNY JONES, MAYOR

RE: MUNICIPAL BEAUTIFICATION COMMISSION

DATE: OCTOBER 15, 2012

I recommend that Charles J. Denham, 204 50th Street, SE, Charleston, WV 25304 be reappointed to the Municipal Beautification Commission, with a said term to expire September 19, 2015.

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

*With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the appointment confirmed.*

TO: JAMES REISHMAN, CITY CLERK

FROM: DANNY JONES, MAYOR

RE: MUNICIPAL BEAUTIFICATION COMMISSION

DATE: OCTOBER 15, 2012

I recommend that Marlene Dial, 1211 Colonial Way, Charleston, WV 25314 be reappointed to the Municipal Beautification Commission, with a said term to expire September 19, 2015.

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

*With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the appointment confirmed.*

TO: JAMES REISHMAN, CITY CLERK

FROM: DANNY JONES, MAYOR

RE: CHARLESTON HISTORIC LANDMARKS COMMISSION

DATE: OCTOBER 15, 2012

I recommend that Billy Peyton, 1570 Virginia Street, East, Charleston, WV 25311, be reappointed to the Charleston Historic Landmarks Commission, with a said term to expire September 1, 2015.

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

*With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the appointment confirmed.*

TO: JAMES REISHMAN, CITY CLERK

FROM: DANNY JONES, MAYOR

RE: CHARLESTON HISTORIC LANDMARKS COMMISSION

DATE: OCTOBER 15, 2012

I recommend that Billy Joe Peyton, 1570 Virginia Street, East, Charleston, WV 25311, be reappointed to the Charleston Historic Landmarks Commission, with a said term to expire September 1, 2015.

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

*With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the appointment confirmed.*

***STREETS AND TRAFFIC***

Council person 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# 7541 and reports the same to council with the recommendation that the Bill do pass.

Bill No. 7541 - A Bill to amend and reenact Ordinance No. 4892 passed by Council November 16, 1992 relating to a No Parking Tow Away zone on the Northerly side of Virginia Street from 6 AM to 6 PM between Laidley Street and Hale 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. A No Parking Tow Away zone on the Southerly side of Virginia Street from 6AM to 6PM between Laidley Street and Summers Street and a No Parking Tow Away zone on the Northerly side of Virginia Street from 6AM to 6PM between Summers Street and Hale 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 –27, absent -1, as follows:*

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

*ABSENT: Harrison*

*With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7541, passed*

***URBAN RENEWAL***

Council person Marc Weintraub, Chairperson of the Council Committee on Urban Renewal, submitted the following reports.

1. Your committee on Urban Renewal has had under consideration Bill# 7545 and reports the same to council with the recommendation that the Bill do pass.

A Bill approving the following modification of the East End Community Renewal Plan for the City of Charleston, West Virginia: Prohibiting adult businesses, bail bonds, cash-for-gold, check cashing, firearm sales, gambling establishments, pawn shops, and pay-as-you-go phones and storage facilities in the Corridor Village District on Washington Street, East.

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

 1. City Council finds that:

 a. The Charleston Urban Renewal Authority has recommended a certain modification of the East End Community Renewal Plan for the City of Charleston, West Virginia;

 b. A general plan known as the Comprehensive Plan for the City of Charleston has been adopted by City Council and is recognized and used as a general guide for the development of the city;

 c. The Municipal Planning Commission of the City of Charleston has submitted to the Charleston Urban Renewal Authority its findings concerning the conformity of these proposed modifications with the Comprehensive Plan for the City;

 d. City Council has duly considered the findings of the Municipal Planning Commission; and

 e. Section “F” of said East End Community Renewal Plan previously approved by City Council, provides that the Plan may be changed from time to time in compliance with the requirements of law.

2. The proposed modification of the East End Community Renewal Plan which is set forth in the following section of this ordinance is hereby found to be consistent with the goals, objectives, plans and priorities established by the Comprehensive Plan.

1. Section C.3.1.b. is amended as follows:

1. Prohibited Uses

Adult businesses

Bail bonds

Cash-for-Gold establishments

Check cashing services

Firearm sales

Gambling establishments

Pawn shops

Pay-as-you-go Phone sales

Storage facilities

2. Conditional Uses

Banks or credit unions

Restaurants and sidewalk cafes serving alcoholic beverages

- The authorized use of bar, nightclub, lounge, dinner club or restaurant selling alcoholic beverages, including beer and wine, as a matter of right is prohibited and such use shall only be authorized by a ~~special permit~~ conditional use permit approved~~, in the case of alcoholic beverages other than beer and wine, by City Council and in the case of beer and wine by the Municipal Planning Commission,~~ by the Board of Zoning Appeals and such permit shall only apply to the owner(s) of the business or the owner(s) of at least 50% of the stock of a corporate business at the time the permit is issued and shall not be transferable.

- All existing bars, nightclubs, lounges, dinner clubs and restaurants lawfully selling alcoholic beverages ~~including beer and wine,~~ at the time of enactment of the applicable ordinance may continue so long as they are not closed for a continuous period of more than six months, after which time a ~~special permit approved by City Council for sale of alcoholic beverages other than beer and wine and approved by the Municipal Planning Commission for sale of beer and wine shall be required~~. new conditional use permit shall be required.

*The question being on the passage of the Bill. A roll call was taken and there were; yeas –27, absent -1, as follows:*

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

*ABSENT: Harrison*

*With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7545, passed*

*FINANCE*

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

1. Your Committee on Finance has had under consideration Resolution No 217-12, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 217-12 : “Authorizing *“Citizen Appreciation Parking”* for Saturday, November 24, 2012, and three Saturdays in December 2012 (December 1st, 8th, and 15th). *“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 *“Citizen Appreciation Parking”* for Saturday, November 24, 2012, and three Saturdays in December 2012 (December 1st, 8th, and 15th) is hereby approved. *“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 the Resolution No. 217-12, adopted.*

2. Your Committee on Finance has had under consideration Resolution No 218-12, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 218-12 : “Authorizing the Mayor or City Manager to enter into a renewal agreement with Aetna Life Insurance Company, through Commercial Insurance Services, to provide a Medicare Advantage PPO as the sole healthcare plan for Medicare eligible retirees from the City of Charleston and their Medicare eligible dependents, at the rate of $100.97 per month per beneficiary. This is a four percent (4%) increase over the previous year’s rate of $97.09 and will be reflected in the rates for Medicare eligible retirees pursuant to the attached rate schedule.”

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 a renewal agreement with Aetna Life Insurance Company, through Commercial Insurance Services, to provide a Medicare Advantage PPO as the sole healthcare plan for Medicare eligible retirees from the City of Charleston and their Medicare eligible dependents, at the rate of $100.97 per month per beneficiary. This is a four percent (4%) increase over the previous year’s rate of $97.09 and will be reflected in the rates for Medicare eligible retirees pursuant to the attached rate schedule.

*With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the Resolution No. 218-12, adopted. Abstain - Burton*

3. Your Committee on Finance has had under consideration Resolution No 219-12, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 219-12 : “Authorizing the Mayor or City Manager to apply for a grant in the amount of $28,000 from the West Virginia State Historic Preservation Office to provide funds for a historic research survey in the East End of Charleston from Greenbrier Street to Morris Street and Washington Street East to Piedmont Road for nomination to the National Register of Historic Places. The Charleston Urban Renewal Authority (CURA) will provide matching funds in the amount of $12,000.”

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 apply for a grant in the amount of $28,000 from the West Virginia State Historic Preservation Office to provide funds for a historic research survey in the East End of Charleston from Greenbrier Street to Morris Street and Washington Street East to Piedmont Road for nomination to the National Register of Historic Places. The Charleston Urban Renewal Authority (CURA) will provide matching funds in the amount of $12,000.

*With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the Resolution No. 219-12, adopted.*

4. Your Committee on Finance has had under consideration Resolution No 220-12, and reports Resolution No. 220-12 : “Authorizing the Mayor or City Manager to submit a Letter of Inquiry to ArtPlace, a collaboration of national foundations, federal agencies, and financial institutions, for funding to implement the Charleston Public Art Plan. The City of Charleston is requesting $280,000 with no required match.”

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 submit a Letter of Inquiry to ArtPlace, a collaboration of national foundations, federal agencies, and financial institutions, for funding to implement the Charleston Public Art Plan. The City of Charleston is requesting $280,000 with no required match.

*With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the Resolution No. 220-12, adopted.*

**REPORTS OF OFFICERS**

1. Report of the City of Charleston Payroll Variance Analysis; September 2012.

Received and Filed.

2. Report of the City of Charleston, Municipal Court Financial Statements; September 2012.

Received and Filed.

3. City Treasurer’s Report to City Council Month Ending September 2012.

Received and Filed.

4. Report of the City of Charleston Financial Statements for the

Fiscal year ended June 30, 2012.

Received and Filed.

5. Report of the City of Charleston Financial Statements for the

One-Month period ended July 31, 2012.

Received and Filed.

6. Report of the City of Charleston Financial Statements for the

Two-Month period ended August 31, 2012.

Received and Filed.

**NEW BILLS**

Introduced by Council member Mary Jean Davis on October 15, 2012:

Bill No. 7544 - A Bill closing, abandoning and discontinuing as a public right of way a street known as 10 Foot Alley, situated between Virginia Street and Monongalia Street, in the City of Charleston, West Virginia, and reserving a sewer easement for the City of Charleston.

Refer to Planning Committee and Finance Committee.

Introduced by Council member Jack Harrison on October 15, 2012:

Bill No. 7546: “ORDINANCE WITH RESPECT TO THE DEDICATION OF THAT CERTAIN PRIVATE DRIVE KNOWN AS “ABBEY DRIVE” AS A CITY STREET INTO THE CITY OF CHARLESTON,WEST VIRGINIA; AUTHORIZING CONSTRUCTION, REPAIR, GRADING OR REGRADING, PAVING OR REPAVING, SURFACING OR RESURFACING, CURBING OR RECURBING “ABBEY DRIVE” UPON DEDICATION AS A CITY STREET; AUTHORIZING AND APPROVING A SPECIAL ASSESSMENT PURSUANT TO WEST VIRGINIA CODE § 8-18-1 *ET SEQ.* FOR REPAIR OF ABBEY DRIVE; AND AUTHORIZING THE TAKING OF ACTIONS RELATED THERETO.

Refer to Planning Committee and Finance Committee.

**ROLL CALL**

*The Clerk called the roll:*

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

*ABSENT: Harrison*

At 7:25 p.m., by a motion from Councilmember Harrison, Council adjourned until Monday, November 5, 2012, at 7:00 p.m.

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Danny Jones, Honorable Mayor

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James M. Reishman, City Clerk