**JOURNAL**

**OF THE**

**COUNCIL**

**CITY OF CHARLESTON**

**WEST VIRGINIA**

**SEPTEMBER 4, 2012**

 **THE COUNCIL MET IN CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE FIRST MEETING IN THE MONTH OF SEPTEMBER ON THE 4th DAY, IN THE YEAR 2012, 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 BURTON.**

 **BURKA BURTON CLOWSER DENEAULT DODRILL**

**EALY HAAS HARRISON**

**KIRK LANE MILLER**

**MINARDI NICHOLS PERSINGER**

**REISHMAN RICHARDSON**

**SALISBURY SHEETS SMITH**

**SNODGRASS STAJDUHAR TALKINGTON**

 **WHITE**

**MAYOR JONES**

**WITH TWENTY- FOUR 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 Richard Saari, 314 W. 32nd St., Charleston, WV; alleges damage to vehicle.

Refer to City Solicitor

2. A claim of Charlotte Potesta Yonkers, 4707 Kanawha Ave. S.E., Charleston, WV; alleges damage to property.

Refer to City Solicitor.

3. A claim of David Riley, 3024 Shadyside Road, St. Albans WV; alleges damage to vehicle.

Refer to City Solicitor.

***COMMUNICATIONS***

The Clerk read the Ceterficate of Recognition:

City of Charleston

Executive Office of the Mayor

Certificate of Recognition

Presented on the fourth day of September, 2012

to

Josh “Cookie” Miller

* In appreciation for your leadership of the Second Avenue Community Center Summer Basketball League, your recruitment of 17 teams to participate and your organizational skills as the League Director for 11 weeks this summer; and
* In recognition of how your dedication to the cause brought hundreds of people together in the community every week, fostered new friendships, reconnected old friends and provided positive and productive activities for so many people on the West Side; and
* In honor of your commitment to improving lives of people where you live and demonstrating the value of working hard to achieve goals both on and off the court, both here and across the world.

IN WITNESS WHEREOF, I have set my hand and caused the Seal of the Executive Department to be affixed this 4th day of September 2012.

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Danny Jones, Mayor

The Clerk read the communication:

TO: James Reishman, City Clerk

FROM: Robert Reishman

RE: Bill 7525

DATE: September 4, 2012

Please withdraw Bill No. 7525 - A Bill to amend Chapter 22, Article II, Division 1 of the Code of the City of Charleston, and to amend Chapter 22, Article II, Division 2, Section 22-64 of the Code of the City of Charleston, updating procedures and pricing for operations of the Spring Hill Cemetery Park.

Sincerely,

Robert Reishman

*With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill 7525 officially withdrawn.*

The Clerk read the appointments:

TO: JAMES REISHMAN, CITY CLERK

FROM: DANNY JONES, MAYOR

RE: CHARLESTON WAYFINDING COMMISSION

DATE: SEPTEMBER 4, 2012

I recommend that Susie Salisbury, 906 Gordon Drive, Charleston, WV 25303, be reappointed to the Charleston Wayfinding Commission, with a term to expire September 1, 2016.

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 WAYFINDING COMMISSION

DATE: SEPTEMBER 4, 2012

I recommend that Elizabeth Pellegrin, PO Box 1547, Charleston, WV 25326, be reappointed to the Charleston Wayfinding Commission, with a term to expire September 1, 2016.

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 WAYFINDING COMMISSION

DATE: SEPTEMBER 4, 2012

I recommend that Gary Chernenko, 200 Civic Center Drive, Charleston, WV 25301, be reappointed to the Charleston Wayfinding Commission, with a term to expire September 1, 2016.

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 WAYFINDING COMMISSION

DATE: SEPTEMBER 4, 2012

I recommend that Lisa McCracken, 1602 Smith Road, Charleston, WV 25314, be reappointed to the Charleston Wayfinding Commission, with a term to expire September 1, 2016.

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.*

***FINANCE***

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

1. Your Committee on Finance has had under consideration Resolution No 192-12, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 192-12 : “Authorizing the Mayor or City Manager to sign Change Order No. 1 with Carl Walker Construction Company, in the amount of $479,136.50, for complete removal of the roof level topping slab on Parking Garage No. 3 (approximately 45,000 SF). A new 1-1/2” fiber reinforced topping slab will be placed on sound substratum, and joint/cove sealants replaced according to the approved plans. Additional items shall include 15 new floor drains and a new cable strand pedestrian barrier on all exterior parapet walls. This change order increases the contract price from $598,391.00 to $1,077,527.50.”

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. 1 with Carl Walker Construction Company, in the amount of $479,136.50, for complete removal of the roof level topping slab on Parking Garage No. 3 (approximately 45,000 SF). A new 1-1/2” fiber reinforced topping slab will be placed on sound substratum, and joint/cove sealants replaced according to the approved plans. Additional items shall include 15 new floor drains and a new cable strand pedestrian barrier on all exterior parapet walls. This change order increases the contract price from $598,391.00 to $1,077,527.50.

*With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the Resolution No. 192-12, adopted.*

2. Your Committee on Finance has had under consideration Resolution No 194-12, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 194-12 : “Approving the request by the Young Women’s Christian Association of Charleston (“YWCA”) for an extension of the September 10, 2007, Lease Agreement between the City of Charleston (“City”) and the YWCA for the premises on which the YWCA operates the YWCA Child Enrichment Center for the purpose of providing affordable State-licensed childcare services to families, for an additional five years at the same terms and conditions as the expiring lease.

 WHEREAS, the City has power and authority to lease any of its property pursuant to Chapter 8, Article 12, Section 18 of the West Virginia State Code; and

 WHEREAS, pursuant to Chapter 8 of the West Virginia State Code, the City has power and authority to provide children’s services and lease its property to an independent entity for the purpose of operating a facility to provide children’s services in consideration for the provision of services for which the City would otherwise make direct expenditures; and

 WHEREAS, the City and the YWCA entered into a lease on September 10, 2007, for the premises on which the YWCA operates the YWCA Child Enrichment Center providing children’s services; and

WHEREAS, the initial term of the lease was for five years; and

 WHEREAS, Article 1, Section B, of the lease states that the YWCA may request an extension of the term for one consecutive five year period upon the same terms and conditions as the expiring lease; and

 WHEREAS, the YWCA has requested the extension of the lease for an additional five year period; and

 WHEREAS, the requested extension shall be effective subject to the approval of the request for extension by resolution of Council;

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

That the request by the Young Women’s Christian Association of Charleston for an extension of the September 10, 2007, Lease Agreement between the City of Charleston and the YWCA for the premises on which the YWCA operates the YWCA Child Enrichment Center, is hereby approved, and the Lease Agreement is hereby extended for an additional five years at the same terms and conditions as the expiring lease.

*The question being on the adoption of the resoltuion. A roll call was taken and there were; yeas –24, absent - 4, as follows:*

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

*ABSENT: Davis, Russell, Ware, Weintraub.*

*With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 194-12, adopted.*

3. Your Committee on Finance has had under consideration Resolution No 195-12, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 195-12 : “Approving the request by the Young Women’s Christian Association of Charleston (“YWCA”) for an extension of the September 10, 2007, Lease Agreement between the City of Charleston (“City”) and the YWCA for the premises on which the YWCA operates Sojourner’s Shelter, for the purpose of providing safe refuge to homeless women and families, for an additional five years at the same terms and conditions as the expiring lease.

 WHEREAS, the City has power and authority to lease any of its property pursuant to Chapter 8, Article 12, Section 18 of the West Virginia State Code; and

 WHEREAS, pursuant to Chapter 8 of the West Virginia State Code, the City has power and authority to provide homeless services and lease its property to an independent entity for the purpose of operating a facility to provide homeless services in consideration for the provision of services for which the City would otherwise make direct expenditures; and

 WHEREAS, the City and the YWCA entered into a lease on September 10, 2007, for the premises on which the YWCA operates the Sojourner’s Shelter providing services to homeless women and families; and

 WHEREAS, the initial term of the lease was for five years; and

 WHEREAS, Article 1, Section B, of the lease states that the YWCA may request an extension of the term for one consecutive five year period upon the same terms and conditions as the expiring lease; and

 WHEREAS, the YWCA has requested the extension of the lease for an additional five year period; and

 WHEREAS, the requested extension shall be effective subject to the approval of the request for extension by resolution of Council;

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

That the request by the Young Women’s Christian Association of Charleston for an extension of the September 10, 2007, Lease Agreement between the City of Charleston (“City”) and the YWCA for the premises on which the YWCA operates Sojourner’s Shelter, is hereby approved, and the Lease Agreement is hereby extended for an additional five years at the same terms and conditions as the expiring lease.

*The question being on the adoption of the resoltuion. A roll call was taken and there were; yeas –24, absent - 4, as follows:*

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

*ABSENT: Davis, Russell, Ware, Weintraub.*

*With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 195-12, adopted.*

4. Your Committee on Finance has had under consideration Resolution No 196-12, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 196-12 : “Authorizing the Mayor or City Manager to enter into a grant contract agreement with the U.S. Department of Justice to receive a Byrne Criminal Justice Innovation Program: Enhancement Grant in the amount of $475,698.00, providing for planning, research, salaries/benefits, officer overtime and travel/training to enhance and implement the “Second Chance”, a Drug Market Intervention (DMI) Program dedicated to permanently eliminating drug markets located within the City limits.”

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 grant contract agreement with the U.S. Department of Justice to receive a Byrne Criminal Justice Innovation Program: Enhancement Grant in the amount of $475,698.00, providing for planning, research, salaries/benefits, officer overtime and travel/training to enhance and implement the “Second Chance”, a Drug Market Intervention (DMI) Program dedicated to permanently eliminating drug markets located within the City limits.

*With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the Resolution No. 196-12, adopted.*

5. Your Committee on Finance has had under consideration Resolution No 197-12, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 197-12 : “Authorizing the Mayor or City Manager to enter into an agreement with Calico Industries, Inc., in the total amount of $270,858.50, for purchase of black plastic refuse bags ($193,806.00), with the Town of Marmet responsible for $9,990.00 of said sum for 100,000 bags; and for purchase of clear yard waste bags ($77,052.50). The bags, not otherwise purchased by the Town of Marmet, will be distributed to City of Charleston residents.”

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 Calico Industries, Inc., in the total amount of $270,858.50, for purchase of black plastic refuse bags ($193,806.00), with the Town of Marmet responsible for $9,990.00 of said sum for 100,000 bags; and for purchase of clear yard waste bags ($77,052.50). The bags, not otherwise purchased by the Town of Marmet, will be distributed to City of Charleston residents.

*The question being on the adoption of the resoltuion. A roll call was taken and there were; yeas –22, absent - 4, nays -2, as follows:*

*YEAS: Burka, Burton, Clowser, Deneault, Ealy, Haas, Harrison, Kirk, Lane, Miller, Minardi, Nichols, Reishman, Richardson, Salisbury, Sheets, Smith, Snodgrass,Stajduhar, Talkington, White, Mayor Jones.*

*ABSENT: Davis, Russell, Ware, Weintraub.*

*NAYS: Dodrill, Persinger.*

*With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 197-12, adopted.*

6. Your Committee on Finance has had under consideration Resolution No 198-12, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 198-12 : “Authorizing the Mayor or City Manager to submit an application to the Bloomberg Philanthropies Mayors Challenge, which challenges cities to an innovative idea that addresses and problem solves an existing issue within your city. A review committee will select five winners and funds awarded accordingly. The first place winner will be awarded $5,000,000, with four runner-up awards of $1,000,000 each.”

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 an application to the Bloomberg Philanthropies Mayors Challenge, which challenges cities to an innovative idea that addresses and problem solves an existing issue within your city. A review committee will select five winners and funds awarded accordingly. The first place winner will be awarded $5,000,000, with four runner-up awards of $1,000,000 each.

*With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the Resolution No. 198-12, adopted.*

 **NEW BILLS**

Introduced by Council member Bob White on September 4, 2012:

Bill No. 7537 - A Bill 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-4 district to a C-8 district, those certain parcels of land situate in the 1800 blocks of Bigley and O’Dell Avenues, Charleston, West Virginia.

Refer to Municipal Planning Commission and Planning Committee

Introduced by Council member Bob White on September 4, 2012:

Bill No. 7538 - A Bill closing, abandoning and discontinuing as a public right-of-way a street known as Aletha Street, situated one block north of Westmoreland Road and lying between Bigley and O’Dell Avenues, in the City of Charleston, West Virginia, and reserving a sewer easement for the City of Charleston.

Refer to Municipal Planning Commission, Planning Committee and Finance Committee

Introduced by Council member Bob White on September 4, 2012:

Bill No. 7539 - A Bill to create a No Parking Anytime Tow Away zone on the Westerly side of Elmore Avenue from Preston Street to a point 66 feet North of Preston 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.

Refer to Streets and Traffic Committee

Introduced by Council member Robert Reishman on September 4, 2012:

Bill No. 7540: “A BILL to amend Chapter 22, Article II, of the Code of the City of Charleston, updating procedures and pricing for operations of the Spring Hill Cemetery Park.

Refer to Finance Committee

Introduced by Council member Robert Sheets on September 4, 2012:

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.

Refer to Streets and Traffic Committee

**ROLL CALL**

*The Clerk called the roll:*

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

*ABSENT: Davis, Russell, Ware, Weintraub.*

At 7:30 p.m., by a motion from Councilmember Harrison, Council adjourned until Monday, September 17, 2012, at 7:00 p.m.

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Danny Jones, Honorable Mayor

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James M. Reishman, City Clerk