



**JOURNAL of the PROCEEDINGS  
of the  
CITY COUNCIL**

CITY OF CHARLESTON, WEST VIRGINIA

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Regular Meeting – Monday, January 6, 2014

at 7:00 P.M.

Council Chamber – City Hall – Charleston, West Virginia

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**OFFICIAL RECORD**

**Danny Jones  
Mayor**

**James M. Reishman  
City Clerk**

***CALL TO ORDER***

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The Council met in the Chambers of the City Building at 7:00 P.M., for the first meeting in the month of January on the 6th day, in the year 2014, and was called to order by the Honorable Mayor, Danny Jones. The invocation was delivered by Councilman Harrison and the Pledge of Allegiance was led by Councilman Ware. The Honorable James M. Reishman, City Clerk, called the roll of members and it was found that there were present at the time:

**BURKA  
DAVIS  
EALY  
HOOVER**

**NICHOLS  
RICHARDSON  
SHEETS  
TALKINGTON  
MAYOR JONES**

**BURTON  
DENEALT  
HAAS  
KIRK  
MILLER  
PERSINGER  
RUSSELL  
SMITH  
WARE**

**DODRILL  
HARRISON  
KNAUFF**

**SALISBURY  
SNODGRASS  
WHITE**

With twenty-four members being present, the Mayor declared a quorum present.

Pending the reading of the Journal of the previous meeting, the reading thereof was dispensed with and the same duly approved.

***NOMINATION OF VACANT COUNCIL SEAT WARD 7***

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The Mayor declared the floor open for nominations to fill the vacancy for the unexpired Ward 7 seat. Councilman Jack Harrison made a motion to nominate Adam H. Knauff; the motion was second by Mary Jean Davis.

The question being on the approval of the nomination a vote was taken. There being no dissent the Mayor declared Adam H. Knauff as the Councilperson for Ward 7.

With a majority of members elected recorded thereon as voting in the affirmative the nomination of Adam H. Knauff approved.

Councilman Knauff came forward and took the oath of office given by James M. Reishman, City Clerk.

***CLAIMS***

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1. A claim of Ceateetra D. Goard, 1033 Hillcrest Dr., Charleston, WV; alleges damage to vehicle.  
Refer to City Solicitor.
  
2. A claim of Andrea A. Richardson, 4000 Staunton Ave., Charleston, WV; alleges damage to vehicle.  
Refer to City Solicitor.
  
3. A claim of Mark L. Wilson, 1518 Bedford Rd., Charleston, WV; alleges damage to property.  
Refer to City Solicitor.

**COMMUNICATIONS**

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**TO: JAMES REISHMAN  
CITY CLERK**

**FROM: DANNY JONES  
MAYOR**

**RE: MUNICIPAL BEAUTIFICATION COMMISSION**

**DATE: JANUARY 6, 2014**

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I recommend that Sandra Smith, P.O. Box 4432, Charleston, WV 25364, be appointed to the Municipal Beautification Commission, with an initial term to expire September 19, 2016. She is replacing Barbara McCabe.

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

Councilman Harrison moved to approve the appointment. Councilman Ware seconded the motion. With a majority of members elected recorded thereon as voting in the affirmative, the Mayor declared the appointment confirmed.

**REPORTS OF COMMITTEES**

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**COMMITTEE ON FINANCE**

Councilperson Jack Harrison, Chairperson of the Council Committee on Finance, submitted the following reports:

1. Your committee on Finance has had under consideration Resolution No. 396-14, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 396-14: Authorizing the Mayor to sign and submit Community Participation Program grant information sheets and all related documents for The Children's Theatre of Charleston, Project No. 09LEDA0866N, in the amount of \$14,000."

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

That the Mayor is hereby authorized and directed to sign and submit Community

Participation Program grant information sheets and all related documents for The Children’s Theatre of Charleston, Project No. 09LEDA0866N, in the amount of \$14,000.

Councilman Harrison moved to approve the Resolution. Councilman Ware seconded the motion. With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution 396-13 adopted.

2. Your committee on Finance has had under consideration Resolution No. 397-13, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 397-14 – A Resolution authorizing the acceptance of a tract of land adjacent to Disposition Parcel 900 as more particularly described in the deed attached as Exhibit A hereto, for the purpose of maintaining the sidewalk and right-of-way of Dickinson Street between Christopher and Lewis Streets;

WHEREAS, the Charleston Urban Renewal Authority (“CURA”) owns a parcel of land known as Disposition Parcel 900 located in the block bounded by Dickinson, Christopher, Shrewsbury and Lewis Streets; and

WHEREAS, it has been determined by survey that a portion of Dickinson Street and the sidewalk is located within Disposition Parcel 900; and

WHEREAS, CURA wishes to convey to the City the land and street and sidewalk improvements thereon; and

WHEREAS, pursuant to West Virginia code § 16-18-7, CURA may convey real estate to the City for public purposes without appraisal, or bidding and authorization is permitted by Resolution pursuant to the Municipal Code of the City of Charleston Chapter 3, Article II, Section 3-12. ;

NOW THEREFORE, Be It Resolved by the Council of The City Of Charleston, West Virginia:

That the Mayor of the City of Charleston is hereby authorized to accept a deed for a tract of land adjacent to Disposition Parcel 900 as more particularly described in the deed attached as Exhibit A hereto, for the purpose of maintaining the sidewalk and right-of-way of Dickinson Street between Christopher and Lewis Streets.

Councilman Harrison moved to approve the Resolution. Councilman Ware seconded the motion. With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution 397-14 adopted.

3. Your committee on Finance has had under consideration Resolution No. 398-14, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 398-14 - Approving settlement of pending litigation, captioned Cynthia Marie Ellis v. City of Charleston, West Virginia, Civil Action No. 12-C-1226, Kanawha County Circuit Court, Judge Paul Zakaib, Jr., in the amount of \$25,000.00 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 an accident on July 17, 2010.

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, captioned Cynthia Marie Ellis v. City of Charleston, West Virginia, Civil Action No. 12-C-1226, Kanawha County Circuit Court, Judge Paul Zakaib, Jr., in the amount of \$25,000.00, 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 an accident on July 17, 2010.

*To be charged to Account No. 001-417-00-000-2-229, Legal- Court Costs & Damages*

Councilman Harrison moved to approve the Resolution. Councilman Ware seconded the motion. With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution 398-14 adopted.

4. Your committee on Finance has had under consideration Resolution No. 399-14, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 399-14 - Authorizing the Mayor or his designee to submit a revised grant application to the West Virginia Division of Energy Local Energy Efficiency Grant Program requesting additional funds in the amount of \$15,000.00 to continue the energy efficiency projects on the east end. This revised application increases the request for funds from \$10,000.00, as approved by Council on November 18, 2013, Resolution No. 382-13, to a total of \$25,000.00 for the east end projects. Matching project funds will be made available from Appalachian Power Company and/or the Charleston Area Alliance.”

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

That the Mayor or his designee is hereby authorized and directed to submit a revised grant application to the West Virginia Division of Energy Local Energy Efficiency Grant Program requesting additional funds in the amount of \$15,000.00 to continue the energy

efficiency projects on the east end. This revised application increases the request for funds from \$10,000.00, as approved by Council on November 18, 2013, Resolution No. 382-13, to a total of \$25,000.00 for the east end projects. Matching project funds will be made available from Appalachian Power Company and/or the Charleston Area Alliance.

Councilman Harrison moved to approve the Resolution. Councilman Ware seconded the motion. With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution 399-14 adopted.

### **REPORTS OF OFFICERS**

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1. Report of the City of Charleston Municipal Court Financial Statements; December 2013.  
*Received and Filed*
2. Report of the City of Charleston Payroll Variance Analysis; November 2013.  
*Received and Filed*

### **NEW BILLS**

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1. Introduced by Council Members Mary Jean Davis and Bobby Haas on January 6, 2014:  
Bill No. 7610- 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-8 district to a C-10 district, that certain parcel of land situate at the corner of 27th Street and Washington Street West, Charleston, West Virginia.  
*Referred to the Municipal Planning Commission and Planning Committee*
2. Introduced by Council Member Mary Jean Davis on January 6, 2014:  
Bill No. 7611- A Bill amending the Zoning Ordinance for the City of Charleston, West Virginia, adopted November 21, 2005 by changing “Family Day Care Facility” and “Family Day Care Adult Facility” from an accessory use to a permitted use in the R-O Residential-Office District.  
*Referred to the Municipal Planning Commission and Planning Committee*

**ADJOURNMENT**

*The Honorable James M. Reishman, City Clerk, called the closing roll call:*

YEAS: : Burka, Burton, Davis, Deneault, Dodrill, Ealy, Haas, Harrison, Hoover, Kirk, Knauff, Miller, Nichols, Persinger, Richardson, Russell, Salisbury, Sheets, Smith, Talkington, Ware, White, Mayor Jones

ABSENT: Clowser, Lane, Minardi, Reishman

At 7:15 p.m., by a motion from Councilmember Harrison, Council adjourned until Tuesday, January 21, 2014, at 7:00 p.m., in the Council Chamber in City Hall.

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Danny Jones, Honorable Mayor

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James M. Reishman, City Clerk