



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

CITY OF CHARLESTON, WEST VIRGINIA

Regular Meeting – Monday, December 04, 2017

at 7:00 P.M.

Council Chamber – City Hall – Charleston, West Virginia

OFFICIAL RECORD

**Danny Jones
Mayor**

**JB Akers
City Clerk**

CALL TO ORDER

The Council met in the Chambers of the City Building at 7:00 P.M., for the first meeting in the month of December on the 4th day, in the year 2017, and was called to order by the Honorable Mayor, Danny Jones. The invocation was delivered by Councilmember Ealy and the Pledge of Allegiance was led by Cub Scout Pack 152. The Honorable Clerk, JB Akers, called the roll of members and it was found that there were present at the time:

CHESTNUT	BURTON	CEPERLEY
EALY	CLOWSER	DAVIS
HARRISON	FAEGRE	HAAS
JONES	HOOVER	IRELAND
MINARDI	KING	LANE
REISHMAN	OVERSTREET	PERSINGER
SMITH	RICHARDSON	SALISBURY
TALKINGTON	SNODGRASS	STEELE
	WARE	MAYOR JONES

With twenty-six 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.

PUBLIC SPEAKERS

NONE

1.

PROCLAMATIONS

EXECUTIVE DEPARTMENT
CITY OF CHARLESTON
PROCLAMATION
By the Mayor

WHEREAS: On Saturday, December 2, 2017 the University of Charleston Golden Eagles faced the Lynn University Fighting Knights in the NCAA Division II Men’s Soccer National Championship Game for the second time in four years; and

WHEREAS: After playing a scoreless tie for 110 minutes of regulation and sudden death overtime, the UC Golden Eagles won the National Championship with a 3-1 advantage in penalty kicks to bring home the first national championship for any professional or collegiate team in the history of Charleston; and

WHEREAS: The national championship comes in Dan Stratford’s first year as Head Coach, following three years as an assistant coach, during which the Golden Eagles played in the NCAA Final Four every year and in the national championship game twice; and

WHEREAS: With two first-team All-American defensive players – goalkeeper Paolo Pita and defender Thomas Vancaeyezelle – the Golden Eagles became only the second team in Division II history to shut out every opponent in the NCAA tournament, allowed only eight goals all season long and held opponents scoreless in 19 of 24 games played; and

WHEREAS: UC outscored opponents 62-8 throughout the season and was led on offense by second team All-Americans Patrick Guier and Will Roberts, who was also the Atlantic Region Player of the Year, a four-time recipient of All-American recognition, and the only Golden Eagle ever to play in the NCAA Final Four in each of his four years here; and

WHEREAS: After starting the season with a 15-game winning streak, UC cruised to its fourth straight Mountain East Conference regular season championship, lost only one game all year and established the Golden Eagles as the best college soccer team in the nation.

NOW THEREFORE, I, Danny Jones, Mayor of the City of Charleston, on behalf of citizens and leaders of Charleston, do hereby proclaim December 2 – 9, 2017 as

UNIVERSITY OF CHARLESTON NATIONAL CHAMPIONSHIP WEEK

in the City of Charleston in honor of the UC Men’s Soccer team’s amazing NCAA championship season, and I urge citizens throughout our City to join in celebrating this accomplishment by Charleston’s university.

IN WITNESS WHEREOF, I have set my hand and caused the Seal of the Executive Department to be affixed this 4th day of December, 2017.

Danny Jones
Mayor

Mary Jean Davis
Charleston-UC Committee

Tom Lane
Council President

The Proclamation was presented to the University of Charleston Golden Eagles.

REPORTS OF COMMITTEES

COMMITTEE ON PLANNING

Councilmember Davis, Chair of the Council Committee on Planning, submitted the following reports:

1. Your committee on Planning has had under consideration the following bill, and reports the same to Council with the recommendation that Bill No. 7764 do pass.

Bill No. 7764 - 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 I-4 district to a C-10 district, that certain parcel of land located at 419 58th Street, Charleston, West Virginia.

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

1. The Zoning Ordinance of the City of Charleston, West Virginia, enacted the 1st day of January 2006, as amended, is hereby amended by rezoning from an I-4 district to a C-10 district the whole of the following described parcel of land: Parcel No. 3 as shown on Charleston South Annex Tax Map No. 67. Subject parcel is more commonly known as 419 58th Street, Charleston, West Virginia. Said tax map is of record in the Planning Office.
2. The Zoning Map, attached to and made a part of said Zoning Ordinance, is hereby amended in accordance with Article 28 of this ordinance.
3. All prior ordinances or parts of ordinances, inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

Councilmember Davis moved to approve the bill. Councilmember Lane seconded the motion. A roll call was taken:

YEAS: Burton, Ceperley, Chestnut, Clowser, Davis, Ealy, Faegre, Haas, Harrison, Hoover, Ireland, Jones, King, Lane, Minardi, Overstreet, Persinger, Reishman, Richardson, Salisbury, Snodgrass, Smith, Steele, Talkington, Ware, Mayor Jones

NAYS: NONE

ABSENT: Burka

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7764 passed.

2. Your committee on Planning has had under consideration the following bill, and reports the same to Council with the recommendation that Bill No. 7765 do pass.

Bill No. 7765 - A BILL to amend Sections 102-274 of Article VII of Chapter 102 of the Municipal Code of the City of Charleston entitled “Outdoor Dining,” by amending the zoning districts where outdoor dining is permitted and increasing the speed limit permitted on the adjacent roadway.

WHEREAS, it is the intent of the City of Charleston to facilitate outdoor dining in the Central Business District and Urban Corridor Districts in order to create an active streetscape, enhance the economic and social vitality of these areas, and promote safe pedestrian and retail friendly activity; and

WHEREAS, it is the intent of the City of Charleston to allow for the use of the public right-of-way for such outdoor dining; and to expedite the approval of such facilities while ensuring that the public use of the sidewalks will not be significantly impaired by such dining, and that neighboring commercial and residential uses will be protected from any adverse impacts from such dining; and

WHEREAS, it is the intent of the City of Charleston to establish uniform aesthetics, design, installation, maintenance and removal standards for the fencing in a manner that provides for public safety, health, welfare, and good order.

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

1. That Section 102-274 of Article VII of Chapter 102 of the Municipal Code of the City of Charleston is hereby amended to read as follows:

Sec. 102-274 - Definitions

(a) *Operator* shall mean a person, organization, proprietorship, corporation or other similar entity lawfully operating a business located in the Central Business District (CBD) or Urban Corridor District (UCD), as shown on the City of Charleston’s Official Zoning Map, that possesses a valid State of West Virginia food vendor’s permit and serves at a minimum both lunch and dinner, and has been issued an Outdoor Dining Area permit by the City’s Planning Department.

(b) *Outdoor Dining Area* shall mean a confined area of the public sidewalk designated by a site plan approved by the City through its Planning Department and located in the Central Business District (CBD) or Urban Corridor District (UCD), as shown on the City of Charleston’s Official Zoning Map, where, if abutting a street, the street abutting the sidewalk is posted at a speed limit of 25 30 mph or less, and which area is adjacent to Operator’s building/permanent structure, where patrons may sit at tables while consuming food and beverages, which may

include any beverage regulated by the WVABCA contingent on proper licensure by the WVABCA.

Councilmember Davis moved to refer the bill to Finance Committee. Councilmember Lane seconded the motion.

Will be voted on under Finance.

3. Your committee on Planning has had under consideration the following street naming, and reports the same to Council with the recommendation that the street naming do pass.

Your committee finds the street name complies with E911 street naming rules and reports the same to Council with the recommendation that the street name Beloved Ridge do pass.

Councilmember Davis moved to approve the street. Councilmember Lane seconded the motion. With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared street name Beloved Ridge approved.

COMMITTEE ON FINANCE

Councilmember Reishman, Chair of the Council Committee on Finance, submitted the following reports:

1. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 989-17 do pass.

Resolution No. 989-17 - Authorizing the Mayor or the City Manager to receive and administer a grant in the amount of \$8,000 from the Kanawha County Commission for Violence Against Women Act (VAWA) overtime.

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

That the Mayor or the City Manager is hereby authorized and directed to receive and administer a grant in the amount of \$8,000 from the Kanawha County Commission for Violence Against Women Act (VAWA) overtime.

Councilmember Reishman moved to approve the Resolution. Councilmember Lane seconded the motion. With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution 989-17 adopted.

2. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 990-17 do pass.

Resolution No. 990-17 - Authorizing the Mayor or the City Manager to submit a Grant Application to the West Virginia State Historic Preservation Office in the amount of \$20,000.00 to provide supplemental funds to re-survey the Historic District of Charleston's East End, with thirty percent (30%) matching funds to be provided by in-kind services and \$7,000 cash from the City.

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

That the Mayor or the City Manager is hereby authorized and directed to submit a Grant Application to the West Virginia State Historic Preservation Office in the amount of \$20,000.00 to provide supplemental funds to re-survey the Historic District of Charleston's East End, with thirty percent (30%) matching funds to be provided by in-kind services and \$7,000 cash from the City.

Councilmember Reishman moved to approve the Resolution. Councilmember Lane seconded the motion. With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution 990-17 adopted.

3. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 991-17 do pass.

Resolution No. 991-17 - Authorizing the Mayor or City Manager to enter into an Agreement with WesBanco INC. for the City's commercial banking services to start on the date of execution and acceptance by WesBanco INC. and continue for an initial term of three (3) years with no fees, costs or expenses and a Floating Federal Funds Rate interest rate less .15 bps. The City shall have the option to renew this Agreement for additional three-year terms, up to a total of three additional three-year terms.

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 WesBanco INC. for the City's commercial banking services to start on the date of execution and acceptance by WesBanco INC. and continue for an initial term of three (3) years with no fees, costs or expenses and a Floating Federal Funds Rate interest rate less .15 bps. The City shall have the option to renew this Agreement for additional three-year terms, up to a total of three additional three-year terms.

Councilmember Reishman moved to approve the Resolution. Councilmember Lane seconded the motion. With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution 991-17 adopted.

4. Your committee on Finance has had under consideration the following bill, and reports the same to Council with the recommendation that Bill No. 7765 do pass.

Bill No. 7765 - A BILL to amend Sections 102-274 of Article VII of Chapter 102 of the Municipal Code of the City of Charleston entitled “Outdoor Dining,” by amending the zoning districts where outdoor dining is permitted and increasing the speed limit permitted on the adjacent roadway.

WHEREAS, it is the intent of the City of Charleston to facilitate outdoor dining in the Central Business District and Urban Corridor Districts in order to create an active streetscape, enhance the economic and social vitality of these areas, and promote safe pedestrian and retail friendly activity; and

WHEREAS, it is the intent of the City of Charleston to allow for the use of the public right-of-way for such outdoor dining; and to expedite the approval of such facilities while ensuring that the public use of the sidewalks will not be significantly impaired by such dining, and that neighboring commercial and residential uses will be protected from any adverse impacts from such dining; and

WHEREAS, it is the intent of the City of Charleston to establish uniform aesthetics, design, installation, maintenance and removal standards for the fencing in a manner that provides for public safety, health, welfare, and good order.

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

1. That Section 102-274 of Article VII of Chapter 102 of the Municipal Code of the City of Charleston is hereby amended to read as follows:

Sec. 102-274 - Definitions

(a) *Operator* shall mean a person, organization, proprietorship, corporation or other similar entity lawfully operating a business located in the Central Business District (CBD) or Urban Corridor District (UCD), as shown on the City of Charleston’s Official Zoning Map, that possesses a valid State of West Virginia food vendor’s permit and serves at a minimum both lunch and dinner, and has been issued an Outdoor Dining Area permit by the City’s Planning Department.

(b) *Outdoor Dining Area* shall mean a confined area of the public sidewalk designated by a site plan approved by the City through its Planning Department and located in the Central Business District (CBD) or Urban Corridor District (UCD), as shown on the City of Charleston’s Official Zoning Map, where, if abutting a street, the street abutting the sidewalk is posted at a speed limit of 25 30 mph or less, and which area is adjacent to Operator’s building/permanent

structure, where patrons may sit at tables while consuming food and beverages, which may include any beverage regulated by the WVABCA contingent on proper licensure by the WVABCA.

Councilmember Reishman moved to approve the bill. Councilmember Lane seconded the motion. A roll call was taken:

YEAS: Burton, Ceperley, Chestnut, Clowser, Davis, Ealy, Faegre, Haas, Harrison, Hoover, Ireland, Jones, King, Lane, Minardi, Overstreet, Persinger, Reishman, Richardson, Salisbury, Snodgrass, Smith, Steele, Talkington, Ware, Mayor Jones

NAYS: NONE

ABSENT: Burka

With a majority of members elected recorded thereon as voting in the affirmative, with one abstention, the Mayor declared Bill No. 7765 adopted.

5. Your committee on Finance has had under consideration the following committee report, and reports the same to Council with the recommendation that committee report pass.

A proposal submitted by Stephens Auto Center, in the total amount of \$371,868.00, for purchase of twelve (12) 2018 Police Interceptor Utilities with Ready for the Road Packages for the Charleston Police Department.

To be charged to Account No. 001-976-00-700-4-459 – Capital Outlay, Lease Purchase
PNC Lease Schedule # 210051000

Councilmember Reishman moved to approve the Committee Report. Councilmember Lane seconded the motion. With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the Committee Report adopted.

NEW BILLS

Introduced by Councilmember Rev. James Ealy on December 4, 2017:

Bill No. 7770 – Amending the Zoning Ordinance of the City of Charleston, by rezoning from an R-4 district to an R-6 district, those certain six lots land situated at 1307 Grant Street, 1309 Grant Street, 1311 Grant Street, 1310 2nd Avenue, 1312 2nd Avenue and 1314 2nd Avenue, Charleston, West Virginia.

Refer to Municipal Planning Commission and Planning Committee.

Introduced by Councilmember Shannon Snodgrass on December 4, 2017:

Bill No. 7771 – A Bill to establish a No Parking on Pavement Tow-Away zone on both sides of Olde Ash Lane.

Refer to Streets and Traffic Committee.

ADJOURNMENT

The Clerk, JB Akers, called the closing roll call:

YEAS: Burton, Ceperley, Chestnut, Clowser, Davis, Ealy, Faegre, Haas, Harrison, Hoover, Ireland, Jones, King, Lane, Minardi, Overstreet, Persinger, Reishman, Richardson, Salisbury, Snodgrass, Smith, Steele, Talkington, Ware, Mayor Jones

NAYS: NONE

ABSENT: Burka

At 7:20 p.m., by a motion from Councilmember Ware, Council adjourned until Monday, December 18, 2017, at 7:00 p.m., in the Council Chamber in City Hall.

Danny Jones, Honorable Mayor

JB Akers, City Clerk