

**JOURNAL
OF THE
COUNCIL
CITY OF CHARLESTON
WEST VIRGINIA**

OCTOBER 19, 2009

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 19th DAY, IN THE YEAR 2009, AND WAS CALLED TO ORDER BY THE HONORABLE MAYOR, DANNY JONES. THE INVOCATION WAS DELIVERED BY DEITZLER AND THE PLEDGE OF ALLEGIANCE WAS LED BY MILLER.

**BURTON
DEITZLER
HALL
HARRISON
KIRK
MILLER
REISHMAN
SHEETS**

**CLOWSER
DENEALT
HANNA
HIGGINS
KNAUFF

RUSSELL
SMITH**

**DAVIS
EALY
HARRIS
JONES
LANE
REED
SALISBURY
TALKINGTON
WHITE**

MAYOR JONES

WITH TWENTY- FIVE 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

CLAIMS

1. A claim of John Charnock, 1410 Sweetbrier Rd, Charleston, WV; alleges damage to vehicle.

Refer to City Solicitor

2. A claim of William Alvord, 1635 Troy Rd., Charleston, WV; alleges damage to property.

Refer to City Solicitor

3. A claim of Claudia Jones, 700 Adams St., Charleston, WV; alleges damage to property.

Refer to City Solicitor

4. A claim of Andrew Higginbotham, 3819 Kanawha Ave., SE, Charleston, WV; alleges damage to vehicle.

Refer to City Solicitor

PROCLAMATIONS

The clerk read the following proclamations:

WHEREAS: The Honorable Henry Austin Knauff was a man who brought character to the city of Charleston, honesty and integrity to the City Council of Charleston and joy to the lives of so many of our citizens; and

WHEREAS: Mr. Knauff served his city as a member of City Council from 1999 to 2003 after serving his country, both as a Vietnam veteran in the United States Army and as an Army Reservist for 15 more years following the war; and

WHEREAS: Councilman Knauff was well known for his practical thinking in dealing with issues that arose during this term on City Council, for his candor in dealing with his colleagues on Council and for his ardent advocacy on behalf of the citizens of his Ward; and

WHEREAS: Mr. Knauff has a positive influence on many lives, especially on young people in and around our city, as a school teacher for 30 years, coach of basketball, soccer, tennis and chess teams, soccer referee and baseball umpire; and

WHEREAS: A man from Mars, Pennsylvania and graduate of California University of Pennsylvania, Mr. Knauff became a West Virginian and Charlestonian in the best senses of the word, raising his family with his wife Laura and becoming a leader by example of Trinity Evangelical Lutheran Church; and

WHEREAS: In addition to the personal legacy he leaves with the people whose lives he touched, Councilman Knauff leaves a lasting legacy of public service that now continues in this current City Council through his son, Councilman Adam Henry Knauff, who serves with passion, distinction and integrity with a focus on empowering the next generation of leaders for West Virginia's capital

city.

NOW THEREFORE, I, Danny Jones, Mayor of the City of Charleston, do hereby recognize

HENRY AUSTIN KNAUFF

as an exemplary and outstanding citizen for dedicated service to the City of Charleston, Kanawha County schools and the United States of America. Citizens of Charleston join his family and friends in mourning his passing and reflecting on his life.

IN WITNESS WHEREOF, I have set my hand and caused the Seal of the Executive Department to be affixed this 19^h day of October 2009.

DANNY JONES, MAYOR

EXECUTIVE DEPARTMENT

CITY OF CHARLESTON

PROCLAMATION

By the Mayor

- WHEREAS:** The Mayor and City Council have proclaimed October as Community Planning Month in part to honor the valuable efforts of our corporate, institutional, nonprofit and private citizens who have invested their resources into the improvement and sustainability of the City of Charleston; and
- WHEREAS:** Smart growth is an urban planning and transportation movement that concentrates growth in the center of a city to avoid urban sprawl and advocates compact, transit-oriented, walkable, bicycle-friendly land use; and
- WHEREAS:** The goals of smart growth are to achieve a unique sense of community and place; expand the range of transportation, employment, and housing choices; equitably distribute the costs and benefits of development; preserve and enhance natural and cultural resources; and promote public health; and
- WHEREAS:** Rick and Pam Burka tirelessly serve their community as President and Secretary of the Kanawha City Community Association; and
- WHEREAS:** Under Rick Burka's leadership, the Kanawha City Community Association has developed a stronger relationship with City officials resulting in highly successful beautification, recreation and public safety projects; and
- WHEREAS:** The landscaped medians along MacCorkle Avenue, the 57th Street Pocket Park and the 65th Street wall, which provides an attractive barrier between the intense commercial activity at the far end of MacCorkle Avenue and the residential neighborhood known as Kanawha Estates, have all been completed under the Burkas' leadership; and
- WHEREAS:** The Burkas have also worked to unite the business community as never before. The Kanawha City Business Association meets monthly to work on projects like the new banners along MacCorkle Avenue, which were purchased by Kanawha City businesses and installed by City of

Charleston; and

WHEREAS: Pam also focuses on the quality of life in Kanawha City by organizing events like the Village Fair held each June and featuring a wide range of food, fun and activities for neighbors of all ages.

Now Therefore, I, Danny Jones, Mayor of the City of Charleston, do hereby recognize that

Rick and Pam Burka

Recipients of the Community Collaboration Citizen Planner Award, are valuable assets to the community and urge all citizens to commend the Burkas for investing in the future of the City of Charleston.

IN WITNESS WHEREOF, I have set my hand and caused the Seal of the Executive Department to be affixed this 5th day of October 2009.

DANNY JONES, MAYOR

EXECUTIVE DEPARTMENT

CITY OF CHARLESTON

PROCLAMATION

By the Mayor

WHEREAS: The Mayor and City Council have proclaimed October as Community Planning Month in part to honor the valuable efforts of our corporate, institutional, nonprofit and private citizens who have invested their resources into the improvement and sustainability of the City of Charleston; and

WHEREAS: Smart growth is an urban planning and transportation movement that concentrates growth in the center of a city to avoid urban sprawl and advocates compact, transit-oriented, walkable, bicycle-friendly land use; and

WHEREAS: The goals of smart growth are to achieve a unique sense of community and place; expand the range of transportation, employment, and housing choices; equitably distribute the costs and benefits of development; preserve and enhance natural and cultural resources; and promote public health; and

WHEREAS: The Charleston-Kanawha Housing Authority purchased several blighted buildings in the most depressed area of the West Side Main Street district for rehabilitation and redevelopment; and

WHEREAS: New construction connects the two rehabilitated structures with a reception center for community functions; and

WHEREAS: The Charleston-Kanawha Housing Authority brought together the functions of client services and administrative offices which were being carried out in three different and separate locations; and

WHEREAS: The exterior rehabilitations and new construction were thoughtfully designed to appropriately mesh with the historical nature of the old neighborhood and utilized the consulting services provided by West Side Main Street in developing the new look; and

WHEREAS: The Charleston-Kanawha Housing Authority developed several apartments on the second floor of the client services building, making it multi-functional and mixed-use and providing 24-hour eyes on West Washington Street.

Now Therefore, I, Danny Jones, Mayor of the City of Charleston, do hereby recognize that

Charleston-Kanawha Housing Authority

Recipient of the Mixed Use Development of the Year Award, is a valuable asset to the community and urge all citizens to commend the CKHA and its partners for investing in the future of the City of Charleston.

IN WITNESS WHEREOF, I have set my hand and caused the Seal of the Executive Department to be affixed this 5th day of October 2009.

DANNY JONES, MAYOR

EXECUTIVE DEPARTMENT

CITY OF CHARLESTON

PROCLAMATION

By the Mayor

WHEREAS: The Mayor and City Council have proclaimed October as Community Planning Month in part to honor the valuable efforts of our corporate, institutional, nonprofit and private citizens who have invested their resources into the improvement and sustainability of the City of Charleston; and

WHEREAS: Smart growth is an urban planning and transportation movement that concentrates growth in the center of a city to avoid urban sprawl and advocates compact, transit-oriented, walkable, bicycle-friendly land use; and

WHEREAS: The goals of smart growth are to achieve a unique sense of community and place; expand the range of transportation, employment, and housing choices; equitably distribute the costs and benefits of development; preserve and enhance natural and cultural resources; and promote public health; and

WHEREAS: East End Main Street's Design Committee has partnered with the Charleston Urban Renewal Authority to conduct architectural salvage sales when historic homes that have fallen into disrepair must be demolished; and

WHEREAS: The East End community is saddened by the loss of such structures, *The LemonAID Project: Taking Lemons and Making Progress* allows the architectural features that set the East End apart from Charleston's other neighborhoods to be re-used; and

WHEREAS: East End Main Street spends all proceeds on community improvement and beautification projects, including public art and a façade grant program that helps property owners fund improvements consistent with the program’s mission of historic preservation and economic development.

Now Therefore, I, Danny Jones, Mayor of the City of Charleston, do hereby recognize that

The LemonAID Project: Taking Lemons and Making Progress

Recipient of the Cultural Resource Preservation Award, is a valuable asset to the community and urge all citizens to commend East End Main Street and its volunteers for preserving our past to invest in the future of the City of Charleston.

IN WITNESS WHEREOF, I have set my hand and caused the Seal of the Executive Department to be affixed this 5th day of October 2009.

DANNY JONES, MAYOR

EXECUTIVE DEPARTMENT

CITY OF CHARLESTON

PROCLAMATION

By the Mayor

WHEREAS: The Mayor and City Council have proclaimed October as Community Planning Month in part to honor the valuable efforts of our corporate, institutional, nonprofit and private citizens who have invested their resources into the improvement and sustainability of the City of Charleston; and

WHEREAS: Smart growth is an urban planning and transportation movement that concentrates growth in the center of a city to avoid urban sprawl and advocates compact, transit-oriented, walkable, bicycle-friendly land use; and

WHEREAS: The goals of smart growth are to achieve a unique sense of community and place; expand the range of transportation, employment, and housing choices; equitably distribute the costs and benefits of development; preserve and enhance natural and cultural resources; and promote public health; and

WHEREAS: Habitat for Humanity of Kanawha and Putnam County’s ReStore is an outlet accepting donated furniture, home accessories, building materials and appliances for resale; and

WHEREAS: These donated goods are sold to the general public at a fraction of the retail price to help fund the construction of Habitat for Humanity homes within our community; and

- WHEREAS:** ReStore has provided an environmentally and socially responsible way to keep 3,500 tons of good, reusable materials out of our landfill while simultaneously raising funds for the construction of 16 homes in Kanawha and Putnam Counties; and
- WHEREAS:** Exterior renovations and murals by local artists have resulted in a cleaner, more recognizable facility which has become a major asset to the East End's Warehouse District; and
- WHEREAS:** A rain garden was designed to collect storm water run-off from the new parking lot, easing the load on the City's combined system; and
- WHEREAS:** ReStore hosted Sustainability Fair 2009, where more than 1,000 people turned out to learn about simple sustainable energy ideas from harnessing solar and wind power to cooking with locally grown foods. The event was funded by a grant from the Sustainable Kanawha Valley Initiative and organized by volunteers.

Now Therefore, I, Danny Jones, Mayor of the City of Charleston, do hereby recognize that

ReStore of the Habitat for Humanity of Kanawha & Putnam County

Recipient of the Leadership in Sustainability Award, is a valuable asset to the community and urge all citizens to commend the ReStore and its partners for investing in the future of the City of Charleston.

IN WITNESS WHEREOF, I have set my hand and caused the Seal of the Executive Department to be affixed this 5th day of October 2009.

DANNY JONES, MAYOR

EXECUTIVE DEPARTMENT

CITY OF CHARLESTON

PROCLAMATION

By the Mayor

- WHEREAS:** The Mayor and City Council have proclaimed October as Community Planning Month in part to honor the valuable efforts of our corporate, institutional, nonprofit and private citizens who have invested their resources into the improvement and sustainability of the City of Charleston; and
- WHEREAS:** Smart growth is an urban planning and transportation movement that concentrates growth in the center of a city to avoid urban sprawl and advocates compact, transit-oriented, walkable, bicycle-friendly land use; and
- WHEREAS:** The goals of smart growth are to achieve a unique sense of community and place; expand the range of transportation, employment, and housing choices; equitably distribute the costs and

benefits of development; preserve and enhance natural and cultural resources; and promote public health; and

WHEREAS: The new parking garage and dormitory at the University of Charleston is a component of the institution's long range plan to "green" the campus; and

WHEREAS: The University has more efficiently used the limited amount of land available to it through an appropriate mix of uses, stacked parking, and compact design; and

WHEREAS: The additional parking prevents commuting students from crowding the residential neighborhoods surrounding the campus; and

WHEREAS: The dormitory space on the outside of the structure increases the sense of community on the campus and provides the feeling of 24 hour eyes on much of the community space available to students; and

Now Therefore, I, Danny Jones, Mayor of the City of Charleston, do hereby recognize that

The University of Charleston

Recipient of the Growing Smart Award, is a valuable asset to the community and urge all citizens to commend the University and its administrators for investing in the future of the City of Charleston.

IN WITNESS WHEREOF, I have set my hand and caused the Seal of the Executive Department to be affixed this 5th day of October 2009.

DANNY JONES, MAYOR

EXECUTIVE DEPARTMENT

CITY OF CHARLESTON

PROCLAMATION

By the Mayor

WHEREAS: The Mayor and City Council have proclaimed October as Community Planning Month in part to honor the valuable efforts of our corporate, institutional, nonprofit and private citizens who have invested their resources into the improvement and sustainability of the City of Charleston; and

WHEREAS: Smart growth is an urban planning and transportation movement that concentrates growth in the center of a city to avoid urban sprawl and advocates compact, transit-oriented, walkable, bicycle-friendly land use; and

- WHEREAS:** The goals of smart growth are to achieve a unique sense of community and place; expand the range of transportation, employment, and housing choices; equitably distribute the costs and benefits of development; preserve and enhance natural and cultural resources; and promote public health; and
- WHEREAS:** Tim Forren opened a landscaping business on the West Side’s Central Avenue in 2006; and
- WHEREAS:** Tim Forren has been working with West Side Main Street, the West Side Neighborhood Association, garden clubs and other interested groups to “green” the West Side one property at a time; and
- WHEREAS:** Tim Forren recognizes the importance that green space plays in developing desirable, strong neighborhoods and seeks to assist people and organizations working to make such community improvements; and
- WHEREAS:** Tim Forren voluntarily designed a passive green space at the corner of West Washington Street and Barton Street and a community garden on Randolph Street. In addition to designing the Randolph Street Community Garden he is serving as development director and Garden Master for the project; and
- WHEREAS:** Tim Forren has freely given of his time, resources, and expertise for consulting and implementation of projects and has become a valuable resource to the West Side and others over the entire City of Charleston.

Now Therefore, I, Danny Jones, Mayor of the City of Charleston, do hereby recognize that

Tim Forren

Recipient of the ECO Citizen Planner Award, is a valuable asset to the community and urge all citizens to commend Tim Forren and Forren Soil Landscaping for investing in the future of the City of Charleston.

IN WITNESS WHEREOF, I have set my hand and caused the Seal of the Executive Department to be affixed this 5th day of October 2009.

DANNY JONES, MAYOR

The Clerk read the Appointment:

TO: JAMES REISHMAN
CITY CLERK

FROM: DANNY JONES
MAYOR

RE: CHARLESTON HUMAN RIGHTS COMMISSION

DATE: OCTOBER 19, 2009

I recommend that Carol Hamric, P.O. Box 2102, Charleston, WV 25314, be appointed to the Charleston Human Rights Commission, with a said term to expire June 30, 2012. She replaces Mary Snow.

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

Council approved the appointment.

MISCELLANEOUS RESOLUTIONS

Resolution No. 662-09

Introduced in Council

October 19, 2009

Kasey Russell and Cubert Smith

WHEREAS: Banska Bystrica is a regional capital city in the mountains of central Slovakia with a population of approximately 80,000 citizens; and

WHEREAS: Located in the Hron River valley, Banska Bystrica developed as a commercial center for the mining industry in the region and has diversified its historic industrial economy to become regional center for health care, education and tourism; and

WHEREAS: Banska Bystrica has other striking similarities to the City of Charleston as an administrative, cultural and economic hub of its part of the country that also attracts visitors who explore and experience recreational opportunities in and around the city and its nearby mountains; and

WHEREAS: Seeking to build on the many similarities between Banska Bystrica and Charleston and to strengthen the cultural, educational and commercial connections between our cities, several citizens, led by Chuck Daugherty and Linda Elliott, forged Charleston's Sister City Alliance; and

WHEREAS: Those connections have been developed through communications with Banska Bystrica's Mayor Ivan Saktor, a visit by City Council member Beata Hirt and this week's inaugural Sister City delegation, led by City Manager Jaroslav Sihelsky.

Therefore be it resolved by The Council and Mayor of The City of Charleston, West Virginia:

That the City of Charleston does hereby recognize Banska Bystrica as our Sister City in

Slovakia and, in so doing, encourages the people of Charleston to engage in citizen diplomacy by learning more about the people, history and culture of Banska Bystrica and by exploring new opportunities for cultural, educational and commercial exchanges between Banska Bystrica and Charleston.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 662-09, adopted.

FINANCE

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

1. Your committee on Finance has had under consideration a proposal submitted by Stephens Auto Center, in the total amount of \$29,302, for purchase of two Ford Ranger Pickup Trucks (\$14,651 each) to be used by the Parking System. To be charged to Account No. 406-571-00-000-4-459, Parking—Capital Outlay, Equip and reports the same to Council with the recommendation that the committee report be adopted.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the committee report, adopted.

2. Your committee on Finance has had under consideration a proposal submitted by General Truck Sales, in the total amount of \$81,995, for purchase of one Service Body Truck (\$34,787); one $\frac{3}{4}$ -ton Pickup Truck (\$26,950); and one $\frac{1}{2}$ -ton Pickup Truck (\$20,258) to be used by the Street Department. To be charged to Account No. 001-977-00-750-4-459, Street—Capital Outlay, Equip. (Chase Equipment Finance Lease Purchase Escrow Account, Schedule Number 1000133565) and reports the same to Council with the recommendation that the committee report be adopted.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the committee report, adopted.

3. Your Committee on Finance has had under consideration Resolution No 657-09, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 657-09: "Authorizing the Mayor to sign and submit FY 2009 Community Participation Program contract, and all related documents, with the West Virginia Development office on behalf of the Hope Community Development agency, Project No. 09LEDA0256, in the amount of \$20,000."

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 FY 2009 Community Participation Program contract, and all related documents with the West Virginia Development office on behalf of the Hope Community Development agency,

Project No. 09LEDA0256, in the amount of \$20,000.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-25, absent -3, as follows:

YEAS: Burton, Clowser, Davis, Deitzler, Deneault, Ealy, Hall, Hanna, Harris, Harrison, Higgins, Jones, Kirk, Knauff, Lane, Miller, Reed, Reishman, Russell, Salisbury, Sheets, Smith, Talkington, White, Mayor Jones.

ABSENT: Payne, , Ware, Weintraub

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution Number 657-09, adopted.

4. Your Committee on Finance has had under consideration Resolution No 658-09, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 658-09 : “Authorizing the City Manager to waive B&O Taxes in relation to the Birdair Design-Build contract for the Retractable Canopy and Overlook Pavilion Project at Riverfront Park. These costs were expressly excluded by the bid and the amount considered by Council on July 20, 2009.”

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

That the City Manager is hereby authorized and directed to waive B&O Taxes in relation to the Birdair Design-Build contract for the Retractable Canopy and Overlook Pavilion Project at Riverfront Park. These costs were expressly excluded by the bid and the amount considered by Council on July 20, 2009.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 658-09, adopted.

5. Your Committee on Finance has had under consideration Resolution No 659-09, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 659-09 : “Authorizing the Charleston City Manager to execute an equipment transfer/donation agreement with the City of Nitro, West Virginia, for a 1984 Monark boat.”

WHEREAS, the City of Charleston owns a 1984 Monark boat, which has been retired from service in the Charleston Fire Department fleet, and the City no longer has need for said fire boat; and

WHEREAS, the City of Nitro, West Virginia has need for said fire boat to be used for a public purpose, and is willing to enter into an agreement for the transfer of said fire boat, a copy of which is attached hereto as Exhibit A; and

WHEREAS, the transfer of equipment between public entities without consideration is authorized by W.Va. Code § 1-5-3, and to the extent that the City of Nitro is considered “another jurisdiction” under W. Va. Code § 8-11-3, said authorization is permitted by Resolution pursuant to the Municipal Code of the City of Charleston Chapter 3, Article II, Section 3-12. ; and

WHEREAS, such transfer would result in an overall benefit to the public; now therefore,

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

That the City Manager is hereby authorized to execute an equipment transfer/donation agreement with the City of Nitro, West Virginia, for a 1984 Monark boat.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 659-09, adopted.

6.Your Committee on Finance has had under consideration Resolution No 660-09, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 660-09 : “Authorizing the Mayor or his designee to execute an agreement with emsCharts, Inc., in the amount of \$ 995.00 per month, for the provision of mobile data collection and reporting software for information related to emergency medical care transport and other emergency medical services. A copy of the proposed agreement is attached hereto as Exhibit A.”

WHEREAS, the West Virginia Office of Emergency Medical Services is requiring that all reporting by emergency medical care providers be performed electronically beginning October 31, 2009; and

WHEREAS, the Charleston Fire Department has chosen emsCharts, Inc. as the qualified HIPPA compliant provider of software enabling compliance with the requirements of the West Virginia Office of Emergency Medical Services; now therefore,

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

That upon final review and approval of the contract by legal counsel for the City, the Mayor or his designee is hereby authorized to execute an agreement with emsCharts, Inc. in the amount of \$995.00 per month for the provision of mobile data collection and reporting software for information related to emergency medical care transport and other emergency medical services.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 660-09, adopted.

7.Your Committee on Finance has had under consideration Resolution No 661-09, and

reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 661-09 – “Authorizing the Mayor to enter into an Agreement with the West Virginia Department of Transportation, Division of Highways for funding for Project U320-KAN/AW-9.00, the Charleston Kanawha Trestle Trail (TCSP), said authorization being granted by Resolution pursuant to the Municipal Code of the City of Charleston Chapter 3, Article II, Section 3-12.”

WHEREAS, it has been determined that a project to acquire a railroad bridge, trestle and additional right of way for the purpose of converting them into a rail trial would provide a recreation area that would benefit the citizens of Charleston; and

WHEREAS, the City of Charleston and the West Virginia Division of Highways have determined that a project to acquire a railroad bridge, trestle and additional right of way for the purpose of converting them into a rail trial is an eligible project for funding under the Transportation, Community and System Preservation Program; and

WHEREAS, the City of Charleston has applied for, and been granted funding under the Transportation, Community and System Preservation Program in the amount of \$1,900,000.00 toward the total eligible cost of \$2,375,000.00, the remaining \$475,000 to be provided by the City of Charleston; and

WHEREAS, in order to receive the funding, the City must enter into an Agreement with the West Virginia Department of Transportation, Division of Highways, a copy of which is attached hereto; now therefore,

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

That upon final review and approval of the Agreement by legal counsel for the City, the Mayor is hereby authorized to enter into an Agreement with the West Virginia Department of Transportation, Division of Highways for funding for Project U320-KAN/AW-9.00, the Charleston Kanawha Trestle Trail (TCSP).

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 661-09, adopted.

REPORTS OF OFFICERS

1. Report of the City of Charleston Payroll Variance Analysis; August 2009.
Received and Filed.
2. Report of the City of Charleston Payroll Variance Analysis; September 2009.
Received and Filed.
3. City Treasurer's Report to City Council Month Ending September 2009.
Received and Filed.

NEW BILLS

Introduced by Council Member Robert Reishman on October 19, 2009:

Bill 7403 - A BILL AUTHORIZING THE REFUNDING OF THE CIVIC CENTER IMPROVEMENT BONDS, SERIES 1999, OF THE CITY OF CHARLESTON; AND AUTHORIZING THE ISSUANCE OF CIVIC CENTER IMPROVEMENT REFUNDING BONDS, SERIES 2009 A, OF THE CITY OF CHARLESTON, IN THE AMOUNT OF \$3,500,000, TO FINANCE THE COST OF SUCH REFUNDING AND THE COST OF ISSUANCE FOR SUCH BONDS; DEFINING AND PRESCRIBING THE TERMS AND PROVISIONS OF THE BONDS; PROVIDING GENERALLY FOR THE RIGHTS AND REMEDIES AND SECURITY OF THE HOLDERS OF THE BONDS; PROVIDING A STATUTORY MORTGAGE LIEN ON SPECIFIED TAX REVENUES DEDICATED FOR SUCH PURPOSES; DESIGNATING SUCH BONDS AS QUALIFIED TAX-EXEMPT OBLIGATIONS; AND PROVIDING GENERAL TERMS AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

Refer to Finance Committee

ROLL CALL

The Clerk called the roll and the following members were in attendance:

Burton, Clowser, Davis, Deitzler, Deneault, Ealy, Hall, Hanna, Harris, Harrison, Higgins, Jones, Kirk, Knauff, Lane, Miller, Reed, Reishman, Russell, Salisbury, Sheets, Smith, Talkington, White, Mayor Jones.

ABSENT: Payne, Ware, Weintraub,

At 7:55 p.m., by a motion from Councilmember Harrison, Council adjourned until Monday, November 2, 2009, at 7:00 p.m.

Danny Jones, Honorable Mayor

James M. Reishman, City Clerk

