

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

August 2, 2010

THE COUNCIL MET IN CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE FIRST MEETING IN THE MONTH OF AUGUST ON THE 2nd DAY, IN THE YEAR 2010, 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 DAVIS.

BURKA

HARRISON

KIRK

MILLER

REISHMAN

SHEETS

WARE

MAYOR JONES

CLOWSER

DENEALT

HANNA

HIGGINS

KNAUFF

PAYNE

SMITH

WEINTRAUB

DAVIS

EALY

HARRIS

JONES

REED

SALISBURY

TALKINGTON

WITH TWENTY-THREE 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

Michael Bsharah – Census Bureau

CLAIMS

1. A claim of Steve Burford, Franklin McCoy, and James Morton Sr., Trustees, 6602 Roosevelt Ave., Charleston, WV; alleges damage to property.
Refer to City Solicitor

2. A claim of Cheryl McGee, 548 South Ruffner Rd., Charleston, WV; alleges damage to property.
Refer to City Solicitor

MISCELLANEOUS RESOLUTIONS

Resolution No.822-10

Introduced in Council:

Passed by Council:

August 2, 2010

Introduced by:
Robert Reishman
David Higgins
Rick Burka
Tom Lane
Adam Knauff
Ed Talkington
Bill Kirk
Mary Jean Davis

WHEREAS, The United States Congress has been considering a measure, which would impose collective bargaining on cities and towns throughout the nation under the guise of “Public Safety Employer-Employee Cooperation,” and that proposal most recently was added to a military appropriations bill in an underhanded attempt to gain its passage; and

WHEREAS, The U.S. House of Representatives voted to include this collective bargaining mandate in the military appropriations bill, but failed to include any appropriations or designate any funding sources that would help municipalities deal with the higher costs of unionized personnel that would result from its implementation; and

WHEREAS, Municipal services in general and first responder services, including police, fire, emergency medical services, correction officers in particular, are historically and traditionally the province of the local units of government which establish, provide, manage and fund those services while balancing all demands in balancing their budgets; and

WHEREAS, On the surface, the so-called “Public Safety Employer-Employee Cooperation Act,” claims to promote public safety, but the details of the legislation – and its promise to

impose even more details through administrative rules promulgated after the fact – will lead to third party arbitrators to resolve disputes between unionized first responders and the elected leaders of municipal governments; and

WHEREAS, State laws in West Virginia mandate that elected leaders of municipal governments are to be held accountable for balancing budgets every year and for making final determinations of wages, hours, working conditions of their employees with a specific warning that such responsibilities cannot be delegated away to any other party; and

WHEREAS, Municipal government is the most responsive and responsible level of government as citizens have greater access to their elected leaders and to the local government's budget process than any other level of government in the United States; and

WHEREAS, Public safety employees in Charleston already have civil service protections as guaranteed through the West Virginia Code and open access to the City of Charleston's budget process, through which they are welcome to be heard about matters that relate to public safety and the impact of the city's budget on such matters; and

WHEREAS, The City of Charleston benefits from the hard work and dedication of many of the best firefighters, paramedics and police officers in the nation, and our first responders have open access to members of City Council throughout the year individually and through the leaders of the professional associations that they have formed and joined; and

WHEREAS, With a record of utter failure in balancing budgets and a comparatively closed budget process, the United States Congress' attempt to impose this unfunded mandate on cities and towns throughout the nation amounts to an assault on municipal democracy and on the democratically elected leaders of our city and municipal governments everywhere; and

WHEREAS, If the Congress and President of the United States really believe that collective bargaining will yield such positive results for people involved in first response and homeland security, they are free to impose the practice first and foremost on themselves and the federal government's personnel involved in law enforcement, emergency response, national defense and homeland security toward gaining a better understanding of the real impact of such unionization requirements on public sector budgeting; and

WHEREAS, The United States Senate voted to return the military appropriations bill to the House without the collective bargaining provision (with West Virginia's two Senators voting to keep attached), but supporters of public safety unionization efforts pledge to continue to push for its imposition from on high through other legislative maneuvering.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CHARLESTON, WEST VIRGINIA:

The elected leaders of the City of Charleston believe that the issue of collective bargaining is a truly local issue that should be left to the wise determination of local units of government most affected by its potential impact, and we call on upon our elected leaders in the Congress and the White House to oppose this unfunded mandate and fundamental attack on municipal democracy in whatever form it may be promoted now and in the future.

Upon approval of this resolution, the Mayor and City Council authorizes the Clerk of the City of Charleston to forward copies of this resolution to the President of the United States, members of West Virginia's congressional delegation and the Governor of West Virginia.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 822-10, adopted.

FINANCE

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

1. Your Committee on Finance has had under consideration Resolution No 812-10, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 812-10: "Authorizing the Mayor to enter into an agreement with Calico Industries, Inc., for purchase of black plastic refuse bags in the amount of \$136,444, with the Town of Marmet responsible for \$5,759 of said sum for 130,000 bags; and for purchase of clear yard waste bags in the amount of \$52,989.58, for a total of \$189,433.58. The bags, not otherwise purchased by Marmet, will be distributed to City of Charleston residents starting on September 27, 2010."

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

That the Mayor is hereby authorized and directed to enter into an agreement with Calico Industries, Inc., for purchase of black plastic refuse bags in the amount of \$136,444, with the Town of Marmet responsible for \$5,759 of said sum for 130,000 bags; and for purchase of clear yard waste bags in the amount of \$52,989.58, for a total of \$189,433.58. The bags, not otherwise purchased by Marmet, will be distributed to City of Charleston residents starting on September 27, 2010.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 812-10, adopted.

2. Your Committee on Finance has had under consideration Resolution No 813-10, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 813-10: "Authorizing the Mayor to enter into an agreement with West Virginia Uniforms for purchase of Industrial Grade Uniforms for employees in the Public Works Department at a cost of approximately \$254.99 per set."

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

That the Mayor is hereby authorized and directed to enter into an agreement with West Virginia Uniforms for purchase of Industrial Grade Uniforms for employees in the Public Works Department at a cost of approximately \$254.99 per set.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 813-10, adopted.

3. Your Committee on Finance has had under consideration Resolution No 814-10, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 814-10: “Authorizing the Finance Director to issue a refund to Alliance Health Care Services, Inc., in the amount of \$10,551.22, for overpayment of Business & Occupation Taxes for the period January 1, 2007 through December 31, 2009.”

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

That the Finance Director is hereby authorized and directed to issue a refund to Alliance Health Care Services, Inc., in the amount of \$10,551.22, for overpayment of Business and Occupation Taxes for the period January 1, 2007 through December 31, 2009.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 814-10, adopted.

4. Your Committee on Finance has had under consideration Resolution No 815-10, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 815-10: “Authorizing the Finance Director to allocate funds in the amount of \$75,500 for acquisition of one (1) HOME project located on the East End of Charleston. This will provide for a \$37,000.00 loan to be paid back to the City of Charleston and a \$38,500.00 loan to be used as down payment/closing cost for the property.”

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

That the Finance Director is hereby authorized and directed to allocate funds in the amount of \$75,500 for acquisition of one (1) HOME project located on the East End of Charleston. This will provide for a \$37,000.00 loan to be paid back to the City of Charleston and a \$38,500.00 loan to be used as down payment/closing cost for the property.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas – 23, absent-5, as follows:

YEAS: Burka, Clowser, Davis, Deneault, Ealy, Hanna, Harrison, Harris, Higgins, Jones, Kirk, Knauff, Miller, Payne, Reed, Reishman, Salisbury Sheets, Smith, Talkington, Ware, Weintraub, Mayor Jones.

ABSENT: Deitzler, Hall, Lane, Russell, White

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 815-10 adopted.

5. Your Committee on Finance has had under consideration Resolution No 816-10, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 816-10: “Authorizing the Finance Director to allocate funds in the amount of \$51,500 for acquisition of one (1) HOME project located in the Kanawha City area of Charleston.”

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

That the Finance Director is hereby authorized and directed to allocate funds in the amount of \$51,500 for acquisition of one (1) HOME project located in the Kanawha City area of Charleston.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas – 23, absent-5, as follows:

YEAS: Burka, Clowser, Davis, Deneault, Ealy, Hanna, Harrison, Harris, Higgins, Jones, Kirk, Knauff, Miller, Payne, Reed, Reishman, Salisbury Sheets, Smith, Talkington, Ware, Weintraub, Mayor Jones.

ABSENT: Deitzler, Hall, Lane, Russell, White

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 816-10 adopted.

6. Your Committee on Finance has had under consideration Resolution No 817-10, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 817-10: “Authorizing the Finance Director to amend the 2010-2011 Coal Severance Budget as indicated on the attached list of accounts.”

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

That the Finance Director is hereby authorized and directed to amend the 2010-2011 Coal Severance Budget as indicated on the attached list of accounts.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas – 23, absent-5, as follows:

YEAS: Burka, Clowser, Davis, Deneault, Ealy, Hanna, Harrison, Harris, Higgins, Jones, Kirk, Knauff, Miller, Payne, Reed, Reishman, Salisbury Sheets, Smith, Talkington, Ware, Weintraub, Mayor Jones.

ABSENT: Deitzler, Hall, Lane, Russell, White

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 817-10 adopted.

7. Your Committee on Finance has had under consideration Resolution No 818-10, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 818-10: “Authorizing the Finance Director to amend the 2010-2011 Civic Center Budget as indicated on the attached list of accounts.”

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

That the Finance Director is hereby authorized and directed to amend the 2010-2011 Civic Center Budget as indicated on the attached list of accounts.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas – 23, absent-5, as follows:

YEAS: Burka, Clowser, Davis, Deneault, Ealy, Hanna, Harrison, Harris, Higgins, Jones, Kirk, Knauff, Miller, Payne, Reed, Reishman, Salisbury Sheets, Smith, Talkington, Ware, Weintraub, Mayor Jones.

ABSENT: Deitzler, Hall, Lane, Russell, White

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 818-10 adopted.

8. Your Committee on Finance has had under consideration Resolution No 819-10, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 819-10: “Authorizing the Finance Director to amend the 2010-2011 General Fund Budget as indicated on the attached list of accounts.”

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

That the Finance Director is hereby authorized and directed to amend the 2010-2011 General Fund Budget as indicated on the attached list of accounts.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas – 23, absent-5, as follows:

YEAS: Burka, Clowser, Davis, Deneault, Ealy, Hanna, Harrison, Harris, Higgins, Jones, Kirk, Knauff, Miller, Payne, Reed, Reishman, Salisbury Sheets, Smith, Talkington, Ware, Weintraub, Mayor Jones.

ABSENT: Deitzler, Hall, Lane, Russell, White

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 819-10 adopted.

9. Your Committee on Finance has had under consideration Resolution No 820-10, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 820-10: “Authorizing the Mayor to enter into an agreement on behalf of the Charleston Historic Landmarks Commission with the West Virginia Department of Finance and Administration, on behalf of the West Virginia Division of Culture and History, to receive reimbursement grant funds for an Intensive Survey of Historic Resources and a National Register Nomination related to the Luna Park area in Charleston.”

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

That the Mayor is hereby authorized and directed to enter into an agreement on behalf of the Charleston Historic Landmarks Commission with the West Virginia Department of Finance and

Administration, on behalf of the West Virginia Division of Culture and History, to receive reimbursement grant funds for an Intensive Survey of Historic Resources and a National Register Nomination related to the Luna Park area in Charleston.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 820-10, adopted.

10. Your Committee on Finance has had under consideration Resolution No 821-10, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 821-10: “Authorizing the Mayor to sign a contract on behalf of the Charleston Historic Landmarks Commission with Taylor & Taylor Associates, in the amount of \$20,000, for professional services related to an Intensive Survey of Historic Resources and a National Register Nomination for the Luna Park area in Charleston.”

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

That the Mayor is hereby authorized and directed to sign a contract on behalf of the Charleston Historic Landmarks Commission with Taylor & Taylor Associates, in the amount of \$20,000, for professional services related to an Intensive Survey of Historic Resources and a National Register Nomination for the Luna Park area in Charleston.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 821-10, adopted.

11. Your committee on Finance has had under consideration a bid submitted by Finley Fire Equipment Co., in the amount of \$25,950, for purchase of six (6) Air Mask Systems to be used by the Charleston Fire Department. The unit price of \$4,325 for each system shall remain in effect for one year from date of initial order to allow for additional purchases to be made throughout this period. To be charged to Account No. 001-976-00-706-4-459, Fire—Capital Outlay, Equipment, 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.

NEW BILLS

Introduced by Councilman Robert Sheets on August 2, 2010:

Bill No. 7431 - A Bill to establish two metered vehicular parking spaces for exclusive use of the physically disabled, from 6 am to 6 pm, on the easterly side of Capitol Street from a point 112 feet south of Washington Street to a point 156 feet south of Washington Street, to provide for the removal of vehicles illegally parked in these spaces, to incorporate the provisions of West Virginia Code, Chapter 17C, Article 13, Section 6, 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, Chapter one hundred fourteen, Article five, to conform therewith.

Refer to Streets and Traffic

Introduced by Councilman Robert Sheets on August 2, 2010:

Bill No. 7432 - A Bill to establish one metered vehicular parking space for exclusive use of the physically disabled, from 6 am to 6 pm, on the westerly side of Capitol Street from a point 56 feet north of Virginia Street to a point 78 feet north of Virginia Street, to provide for the removal of vehicles illegally parked in these spaces, to incorporate the provisions of West Virginia Code, Chapter 17C, Article 13, Section 6, 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, Chapter one hundred fourteen, Article five, to conform therewith.

Refer to Streets and Traffic

ROLL CALL

YEAS: Burka, Clowser, Davis, Deneault, Ealy, Hanna, Harrison, Harris, Higgins, Jones, Kirk, Knauff, Miller, Payne, Reed, Reishman, Salisbury Sheets, Smith, Talkington, Ware, Weintraub, Mayor Jones.

ABSENT: Deitzler, Hall, Lane, Russell, White

At 7:25 p.m., by a motion from Councilmember Harrison, Council adjourned until Monday, August 16, 2010, at 7:00 p.m.

Danny Jones, Honorable Mayor

James M. Reishman, City Clerk