



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

CITY OF CHARLESTON, WEST VIRGINIA

Regular Meeting – Monday, October 21, 2013

at 7:00 P.M.

Council Chamber – City Hall – Charleston, West Virginia

OFFICIAL RECORD

**Danny Jones
Mayor**

**James M. Reishman
City Clerk**

CALL TO ORDER

The Council met in the Chambers of the City Building at 7:00 P.M., for the second meeting in the month of October on the 21st day, in the year 2013, and was called to order by the Honorable Mayor, Danny Jones. The invocation was delivered by Councilman Ealy 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:

DAVIS	BURTON	CLOWSER
EALY	DENEALT	DODRILL
HOOVER	HAAS	HARRISON
MILLER	KIRK	LANE
PERSINGER	MINARDI	NICHOLS
RUSSELL	REISHMAN	RICHARDSON
SMITH	SALISBURY	SHEETS
TALKINGTON	SNODGRASS	STAJDUHAR
MAYOR JONES	WARE	WHITE

With twenty-seven 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.

CLAIMS

1. A claim of Geoff Korwan, 659 Holly Road, WV; alleges damage to property.
Referred to City Solicitor

MISCELLANEOUS RESOLUTIONS

Resolution No. 371-13

Introduced in Council

October 21, 2013

Bobby Reishman, Mary Jean Davis, Rev. James D. Ealy and Andy Richardson

WHEREAS: Pharmacy, the science and technique of preparing and dispensing medicines and drugs, is one of the oldest healthcare professions concerned with the health and well-being of all people; and

WHEREAS: Pharmacy is one of the most trusted professions in the United States, as documented through annual surveys conducted by Gallup researchers, and is ranked third on the list of Best Jobs in America in 2012 by US News and World Report; and

WHEREAS: With accessibility to the public and years of advanced education and training to become medication experts, pharmacists are ideally suited to work collaboratively with other health care providers and patients to improve medication use and outcomes by providing services through medication therapy management; and

WHEREAS: As a result of its high licensure passage rates and growing national recognition as a program of excellence, the University of Charleston’s School of Pharmacy is a vital community asset to be strengthened, promoted, and drawn upon as an economic development tool in our community; and

WHEREAS: The UC School of Pharmacy provides current and contemporary education and experiences to 314 student pharmacists here in our city, thus enabling them to deliver health care services and care to the citizens of Charleston and surrounding areas; and

WHEREAS: In addition to educating pharmacists who become respected professionals improving health care for people throughout this region, the UC School of Pharmacy has also been a valued partner with the City of Charleston, providing medication counseling and medication therapy management services for city employees and their families through PharmUC.

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

That we join others across our country in honoring pharmacists during October 2013 – American Pharmacists Month – with a special tribute to the students, graduates, faculty and staff of the University of Charleston’s School of Pharmacy for the positive impact they have in our city and beyond.

Danny Jones, Mayor

Tom Lane, Council President

Resolution No. 372-13

Introduced in Council

October 21, 2013

Susie Salisbury, Mary Jean Davis

WHEREAS: The Junior League of Charleston was established in 1923 as a women’s volunteer and community service organization and a member of the Association of Junior Leagues, and has been in existence for 90 years; and

WHEREAS: Through the years, the Junior League of Charleston conceived, initiated and developed a number of worthwhile projects, such as numerous free health clinics, the Children’s Theater of Charleston, the Volunteer Service Bureau, and the Children’s Museum at Sunrise (now Avampato Discovery Museum at the Clay Center); and

WHEREAS: Junior League members developed and implemented a number of educational programs for school children in Kanawha County, including “Musical Pictures” and “Know Your State” radio programs; the film, “Drugs Are Like That;” Kids on the Block Puppets and Volunteer Educational Scholarships for graduating high school seniors; and

WHEREAS: The Junior League of Charleston formed collaborative partnerships to meet major community needs by developing and helping to finance the Vandalia Terrace Housing Project (with the First Baptist Church of Vandalia), Daymark and the Patchwork Program (with First Presbyterian Church and Kanawha County Commission), and the Ronald McDonald House (with Charleston Area Medical Center); and

WHEREAS: the Junior League of Charleston collected and tested recipes and then wrote and published two best-selling West Virginia cookbooks, “Mountain Measures” and “Mountain Measures, a Second Serving”; and

WHEREAS: The Junior League of Charleston continues to provide trained volunteers to meet community needs throughout Charleston and the Greater Kanawha Valley area.

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

That we congratulate the Junior League of Charleston on its 90 years of existence, service and positive impact on our community. We express our appreciation for the generations of Junior League members through the years who have helped to make Charleston a much better place to live, visit and invest in the future.

Danny Jones, Mayor

Tom Lane, Council President

The Clerk read the following appointment:

TO: JAMES REISHMAN
CITY CLERK

FROM: DANNY JONES
MAYOR

RE: CITY COUNCIL COMMITTEE ON REDISTRICTING

DATE: OCTOBER 21, 2013

I am appointing the following members of City Council to the Committee on Redistricting: Brent Burton as chair of the committee, Majority Leader Jack Harrison, Minority Leader Bobby Reishman, Planning Committee Chair Mary Jean Davis, Jerry Ware, Mike Stajduahr, Shannon Snodgrass, John Miller and Sam Minardi.

PUBLIC HEARING

1. **Bill No. 7604-** A BILL to amend and re-enact Section 54-71, as amended, and Section 54-74, as amended, of the Code of The City of Charleston for the purpose of updating definitions of care provided by Emergency Medical Service personnel, and charges for ambulance transportation provided by Charleston Fire Department Emergency Medical Services Division (the “CFD”).

No one from the public spoke regarding Bill No. 7604. The Honorable Mayor declared the Public Hearing closed.

REPORTS OF COMMITTEES

COMMITTEE ON ORDINANCE AND RULES

Councilperson Jack Harrison, Chairperson of the Council Committee on Ordinance and Rules, submitted the following report:

1. Your committee on Ordinance and Rules has had under consideration Bill number 7597, and reports the same to Council with the recommendation that the bill do pass.
Sponsors of the Bill: Tom Lane, Jack Harrison, Courtney Persinger, Joe Deneault, James Ealy, Rick Burka, Christopher Dodrill

Bill No. 7597: An Ordinance amending the Charter of the City of Charleston Section 9 – Boundaries of voting precincts; registration books; registering voters;

transfer from one precinct to another; duties of county court, Section 9-a – Special registrars; compensation of county court and clerk; delivery of registration books to city clerk; return to clerk of county court, Section 11 – when county and city voting precincts to be the same; how elections to be held, Section 14 – Same—Qualifications; Vacancies, Section 24 – Oath of Officers; how and within what time officers must qualify; failure to qualify vacates office and Section 35 – Election and term of office of elective officers; salary of mayor; appointments by mayor; term of appointive officers; duties of mayor and city solicitor; salary of solicitor; fees, revising the election cycle for the City of Charleston elections.

WHEREAS, the Charter establishes the dates for City of Charleston municipal elections; and

WHEREAS, the City pays for each City Election out of its general budget; and

WHEREAS, the City Council election task force found that combining City elections with county and state elections may increase voter turnout; and

WHEREAS, the City Council election task force found combining elections would save money for both the City and County, and it is the desire of the City Council to change the City's election cycle to correspond with the off-year election cycle for state and county elections in the State of West Virginia starting with the primary and general elections to be held in May and November of 2018, respectively; and

WHEREAS, changing the City's election cycle to coincide with the off-year election cycle for West Virginia will require the Mayor and the members of Charleston City Council elected in 2015 to serve a one-time term of office of approximately three years and six months, starting June 15, 2015, and ending January 7, 2019, followed by subsequent four year terms starting on the first Monday in January, unless said Monday is a state holiday, in which case terms will start on the first Tuesday in January, and thereafter; and

WHEREAS, County officials have expressed willingness to cooperate with the City for the administration of combined elections; and

WHEREAS, the Council of the City of Charleston, West Virginia, has determined that it is necessary, convenient and expedient for the aforesaid

reasons to amend Sections 9, 9-a, 11, 14, 24 and 35 of the Charter of the City of Charleston, West Virginia, to change the election cycle of the City of Charleston to coincide with off-year county and state elections; and

WHEREAS, the Kanawha County Board of Education has expressed concern that because many election precincts are located in school buildings and Municipal Elections are held on days on which school is in session, elections are disruptive to the instruction and testing of students; and

WHEREAS, as an accommodation to the Kanawha County Board of Education, the City will conduct its next primary and general elections on Saturdays in March and May of 2015; and

WHEREAS, after proper public notice, a public hearing was held in Council Chambers on October 7, 2013, at 7:00 pm, wherein the citizens were given opportunity to file any written objections to the Charter amendments proposed herein; and

WHEREAS, written objections, if any, were withdrawn within the 10 days following the October 7, 2013, hearing;

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

That the City of Charleston, West Virginia, shall hold its next primary election on a Saturday in March, 2015, and its next general election on Saturday, May 16, 2015, and the names of all candidates for the City offices of Mayor, City Council Member, Treasurer, and Municipal Judge shall appear on the ballot seeking a one-time term of office of approximately three years and six months starting on June 15, 2015, and ending on January 7, 2019. Beginning in 2018, the City primary and general election for the offices of Mayor, City Council Member, Treasurer and Municipal Judge shall be held at the same time that the off-year primary and general elections for state and county offices are held.

Be it further Ordained: that Section 9 of the Charter of the City of Charleston, West Virginia, shall be amended to read as follows:

Sec. 9. – Boundaries of voting precincts; registration books; ~~registering voters; transfer from one precinct to another;~~ duties of county court.

Voting precincts in the several wards for the city election shall be the same as to boundaries as those fixed by the county court for all state and county elections. Consistent with state law, ~~¶~~the county clerk of Kanawha County shall carefully preserve in his office, registration books of each general state and county election for all of the precincts of the City of Charleston, and the original of said books shall be used as the registration for all regular and special city elections, with such corrections as are ~~herein~~ provided for in state law. Said registration books shall never be out of the possession and control of the county court of Kanawha County, or the clerk thereof, except as ~~hereinafter provided:~~ may be permitted or required by this Charter or state law.

~~The county court of Kanawha County shall sit on the three last Saturdays and the last Monday next preceding any regular election or primary in said City of Charleston for the purpose of registering voters who have not been already registered in the various precincts, and for transferring voters from one precinct to another which shall be done, upon a proper showing, by striking the name of the voter from the registration book in which it appears, and placing the same upon the registration book of the precinct in which the voter is entitled to vote, and no other way, and for striking off the name of any voter from the registration books when it shall be shown to the satisfaction of said court that such person is no longer a voter in said city, and said court shall also strike from such registration books the name of any person known or proved to them to be dead. It shall be the duty of the clerk of said city to give notice of the time and place of the sitting of said court by publication in two newspapers of opposite politics printed and circulated in said city, once a week for four successive weeks before any such municipal election or primary. The clerk of the county court of Kanawha County shall transfer on the registration books the names of such voters as present themselves to him, in person, during such days preceding any municipal election after the first Saturday on which the county court sits, as above provided. The two major political parties, through the chairman of their respective municipal executive committees, may appoint challengers to be present at the office of the clerk of said county court on the days when the said clerk is herein authorized to make transfers, but said clerk's decision in the matter shall control.~~

Be it further Ordained: that Section 9-a of the Charter of the City of Charleston, West Virginia, shall be amended to read as follows:

Sec. 9-a. – Special registrars; compensation of county court and clerk; delivery of registration books to city clerk; return to clerk of county court.

No special registrars shall be appointed for any primary, general or special municipal election. ~~__ or primary, and -t~~¶The county court of Kanawha County and

the clerk thereof shall ~~receive nothing not be compensated~~ for their services as required by this and the last preceding section [§ 9] unless required by state law or authorized by city council.

On the day prior to any primary, general or special municipal election ~~or primary not coinciding with a state or county election~~ the clerk of said county court shall deliver to the city clerk of ~~thesaid~~ City of Charleston all original registration books used in the last general county and state election, as corrected by the county court of said county, and the clerk of said city shall send the same to the various precincts of said city, as provided by law. After said registration books are delivered to said clerk of said city, no person shall add to the same any name, nor erase therefrom any name, and any person found guilty of either adding or erasing one or more names shall be guilty of a felony and confined in the penitentiary not less than one, nor more than five years. As soon as may be possible after the holding of any ~~such~~ primary, general or special municipal election ~~or primary not coinciding with a state or county election,~~ said original registration books shall be returned by the clerk of said city to the clerk of the county court of Kanawha County, West Virginia, who shall carefully preserve all of said registration books for such use as is required by law.

Be it further Ordained: that Section 11 of the Charter of the City of Charleston, West Virginia, shall be amended to read as follows:

Sec. 11. - ~~When county and c~~City voting precincts to be the same coincide with county voting precincts; how elections to be held; authorizing all lawful actions deemed appropriate by council to conduct elections, including combining city elections with state and county elections.

~~Whenever the county court of Kanawha County shall arrange the voting precincts in the City of Charleston for state and county elections, according to the lines of the city wards, then such precincts with the same boundaries and the same voting places as provided for such state and county elections shall be the precincts for all city elections. The voting precincts for city elections shall coincide with the boundaries of the voting precincts fixed by the county court of Kanawha County for state and county elections, or shall otherwise be established in the way and manner prescribed by chapter 3 of the Code of West Virginia [W.Va. Code § 3-1-1 et seq.].~~ Except as may be otherwise provided, by this act [this Charter], all city elections shall be held by the council and the officers therefor appointed in the way and manner prescribed in chapter 3 of the Code of West Virginia [W.Va. Code § 3-1-1 et seq.], but no double election boards shall be appointed for any city election. Notwithstanding any provision contained in this act [this Charter], the city shall be authorized to take all lawful actions necessary or convenient to conduct any and all regular and special elections in the way and

manner deemed appropriate by council, including, but not limited to, actions deemed necessary or convenient to combine any city election with any state and county election administered by the clerk of the county court of Kanawha County, West Virginia.

Be it further Ordained: that Section 14 of the Charter of the City of Charleston, West Virginia, shall be amended to read as follows:

Sec. 14. - Same—Qualifications; vacancies.

Only citizens entitled to vote and residents and voters of their respective wards and having the proper qualifications hereinbefore provided shall be eligible to be elected to the office of councilmen [councilman] from their respective wards and at large, and each councilman so elected from a ward shall continue to be a resident of the ward from which he is elected during his entire term of office.

At ~~the elections held pursuant to Section 35 of this act [this Charter], to be held on the third Tuesday in May 1999~~ there shall be elected one member of the council from each ward and ~~six~~ five members of the council from the city at large. If any person elected to council fails to qualify within ~~seventy-five~~ twenty days after he is declared elected, or resigns as a member of the council, or ceases to be a resident of the ward from which he is elected, then his office shall thereby be vacated and the council shall fill such vacancy by the election of some qualified person for such unexpired term. No person shall be declared elected by the council unless he receives the votes of at least a majority of the members elected thereto and the minutes of such meeting shall show that fact.

Be it further Ordained: that Section 24 of the Charter of the City of Charleston, West Virginia, shall be amended to read as follows

Sec. 24 – Oath of Officers; how and within what time officers must qualify; failure to qualify vacates office.

After each the election, and on or before the date their term begins as specified in Section 35 of this act [this Charter], all officers elected and appointed shall take an oath, before some one authorized to administer oaths, that they will support the Constitution of the United States, the constitution of this state, and will faithfully and impartially discharge the duties of their respective offices to the best of their skill and judgment; that they are not and will not during their term of office, in any way or manner become pecuniarily interested directly or indirectly in any contract with the city, in any franchise granted by it, or in the purchase of supplies therefor. When the officer shall have made such oath in writing and filed the same with the city clerk and shall have given the bond required of him, he shall be considered as having qualified for the office to which he was elected or appointed; provided that if any person so elected or appointed shall not qualify for said office as herein prescribed, within ~~twenty~~ seventy-five days after he shall have been officially declared elected or appointed thereto, said office shall ipso

facto become vacant, and said vacancy shall be filled in the same manner as other vacancies therein are provided for in this act [this Charter].

Be it further Ordained: that Section 35 of the Charter of the City of Charleston, West Virginia, shall be amended to read as follows:

Sec. 35. – Election and term of office of elective officers; ~~salary of mayor;~~ appointments by mayor; appointment of city clerk; appointments by manager; ~~term of appointive officers;~~ duties of mayor and city solicitor; ~~salary of solicitor;~~ fees

The mayor, members of council, municipal judge and treasurer elected on ~~the third Monday in April 1995~~May 16, 2015, shall ~~serve a term beginning~~begin their term on the ~~first Monday in May after their election and shall hold office until the~~ third Monday in June, ~~1999~~2015, and ~~ending in January 2019 when the term of their successors begins.~~and ~~their successors shall be elected on the~~ ~~third Tuesday in May, 1999~~first Tuesday in November, 2018, in conjunction with the ~~state and county election administered by the clerk of the county court of Kanawha County, West Virginia, and shall begin their term on the first Monday of January 2019, unless said Monday is a state holiday, in which case their term shall begin on the first Tuesday of January.~~and at intervals of four years thereafter and their term shall begin on the third Monday of June after their election. The mayor's salary shall not be less than three thousand nor more than five thousand dollars per annum. Thereafter, the mayor, members of council, municipal judge and treasurer shall be elected at intervals of four years in conjunction with the state and county election administered by the clerk of the county court of Kanawha County, West Virginia, and their term shall begin on the first Monday of January after their election, unless said Monday is a state holiday, in which case their term shall begin on the first Tuesday of January.

The mayor shall appoint the city solicitor, an assistant city solicitor, the chief of police, humane officer or officers, building inspector, collector, city auditor, engineer, health commissioner, lockup keeper, municipal court clerk, and the chief of the fire department, and these appointments shall not require any confirmation by the council but shall be made at the discretion of the mayor, who shall, with like discretion, have the full and complete power of removal thereof. The mayor shall appoint the manager, by and with the advice and consent of the council. The council shall, either at a regular or special meeting called for that purpose, pass upon such nomination and either confirm or reject the same, and if such nomination is rejected, then the mayor shall submit to the council a further nomination of some other person or persons until the nomination is confirmed by council, for said office of manager, but it shall be the duty of the council to pass upon all nominations without unreasonable delay; and in any event within two

weeks after the submission of the same, and the failure of members of the council to pass thereon within such time shall be cause for the removal from office of such members of the council as shall have refused to act thereon.

~~The council shall appoint a city clerk. The manager shall appoint or employ such persons as the ordinances of the city may require or the council may authorize by proper resolution. All such officers shall be appointed for the term of four years and until their successors are appointed and qualified, unless they are removed in the way and manner in this act (this Charter) provided.~~

It shall be the duty of the mayor to attend all meetings of the council and preside over that body.

It shall be the duty of the mayor to see that all of the laws and ordinances of the city are enforced and he shall have a general oversight over the peace, health and good order of the city.

The duties of the city solicitor or assistant city solicitor shall be to attend the sessions of council (and) to prosecute all suits ~~in~~^{on} behalf of the city and defend all suits against the city, to advise the council and all of the departments of the city and in general to look after the interests of the city when it shall need legal services. ~~The salary of the solicitor shall be not less than three thousand nor more than five thousand dollars per annum.~~

All fees of every kind collected by any officer or employee, including the municipal judge when acting as a justice, shall be paid to the city treasurer.

This Ordinance will become effective upon passage

Councilman Harrison moved to approve the Bill. Councilman Lane seconded the motion. The question being on the passage of the Bill. A roll call was taken and there were; yeas – 27, nays – 0, absent- 1, as follows:

YEAS: Burton, Clowser, Davis, Deneault, Dodrill, Ealy, Haas, Harrison, Hoover, Kirk, Lane, Miller, Minardi, Nichols, Persinger, Reishman, Richardson, Russell, Salisbury, Snodgrass, Sheets, Smith, Stajduhar, Talkington, Ware, White, Mayor Jones. With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill 7604 adopted.

COMMITTEE ON FINANCE

Councilperson Bobby Reishman, Chairperson of the Council Committee on Finance, submitted the following reports.

1. Your committee on Finance has had under consideration Resolution No. 366-13, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 366-13 -Authorizing the Mayor to receive and administer grant

funds from the West Virginia Governor’s Highway Safety Office in the amount of \$545,000 to support activities in the four-county Metro Valley Highway Safety Program composed of Kanawha, Boone, Clay, and Logan counties.”

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

That the Mayor is hereby authorized to receive and administer grant funds from the West Virginia Governor’s Highway Safety Office in the amount of \$545,000 to support activities in the four-county Metro Valley Highway Safety Program composed of Kanawha, Boone, Clay, and Logan counties.

Councilman Reishman moved to approve the Resolution. Councilman Lane seconded the motion. With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution 366-13 adopted.

2. Your committee on Finance has had under consideration Resolution No. 367-13, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 367-13 - Authorizing the Mayor to sign Change Order No. 1 with Allmon General Contractors in the amount of \$26,725.00 for the Concrete Curb and Sidewalk Project – Spring 2013, providing for replacement of curb and sidewalk on both sides of the 200 Block of Glen Street. The change order increases the contract price from \$187,000.00 to \$213,725.00.”

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

That the mayor is hereby authorized and directed to sign Change Order No. 1 with Allmon General Contractors in the amount of \$26,725.00 for the Concrete Curb and Sidewalk Project – Spring 2013, providing for replacement of curb and sidewalk on both sides of the 200 Block of Glen Street. The change order increases the contract price from \$187,000.00 to \$213,725.00.

To be charged to Account No. 009-012-00-032-0-999, CDBG—Curb & Sidewalks

Councilman Reishman moved to approve the Resolution. Councilman Lane seconded the motion. The question being on the passage of the Resolution. A roll call was taken and there were; yeas – 27, nays – 0, absent- 1, as follows:

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

3. Your committee on Finance has had under consideration Resolution No. 368-13, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 368-13 - Approving settlement of a disputed claim regarding alleged water damage to 709 Mayflower Drive in Charleston, West Virginia, (the “Property”), wherein the City of Charleston will receive an easement for the installation and maintenance of a City storm water pipe on the Property, and a release for alleged water damage to the Property in exchange for \$17,500.00.

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

That the settlement of a disputed claim regarding alleged water damage to 709 Mayflower Drive in Charleston, West Virginia, for \$17, 500.00 is hereby approved, and the City administration is authorized to take all necessary and appropriate actions to obtain an easement across the property, install storm water pipe across the property and to perform clean-up and restoration on the Property related thereto.

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

Councilman Reishman moved to approve the Resolution. Councilman Lane seconded the motion. With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution 368-13 adopted.

4. Your committee on Finance has had under consideration Resolution No. 369-13, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 369-13- Authorizing the Finance Director to amend the 2013-2014 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 Mayor is hereby authorized and directed to amend the 2013-2014 General Fund Budget as indicated on the attached list of accounts.

General Fund FY 2013-2014 Budget Amendment No. 4 - October 21, 2013

Account No.	Department	Amount
001 409 00 000 5 568	Mayors Office	Contributions 363,868
001 412 00 000 2 223	City Manager	Professional Services 1,027,750
001 417 00 000 2 229	Legal	Court Costs & Damages 944,734
001 420 01 000 2 223	Engineering - Stormwater	Professional Services 1,229,977
001 437 00 000 2 223	Planning	Professional Services 22,872
001 439 00 000 2 223	Information Systems	Professional Services 94,786
001 706 00 000 3 356	Fire	Fire Prevention 18,359
001 975 01 420 4 459	Stormwater Management	Capital Outlay - Equipment 80,000
001 976 00 700 4 459	Police	Capital Outlay - Equipment 33,785
001 976 00 706 4 459	Fire	Capital Outlay - Equipment 16,773

001 298 0	Assigned Fund Balance	(3,832,902)
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Manual Encumbrances - To adjust the proper accounts in the FY 2013-2014 Municipal Budget for those amounts included in a "Reserve for Encumbrances" as stated on the Financial Statements for the Fiscal Year Ended June 30, 2013. This is in compliance with instructions from the State Auditors Office, Local Government Services Division.

Account No.	Department	Amount
001 700 00 000 2 239	Police	Fine Supported Training 13,348
001 706 00 000 2 356	Fire	Fire Prevention 500
001 298 0	Assigned Fund Balance	(13,848)

Committed Fund Balances - To recognize funds committed and assigned for Fine Supported Police Training and contributions to the "Never Again Campaign".

Account No.	Department	Amount
001 305 01 0000	Revenues	B & O Tax - Current Year 235,836
001 377 00 0000	Revenues	Lease Proceeds 107,513
001 975 00 567 4 459	Public Grounds	Capital Outlay - Equipment 18,795
001 976 00 706 4 459	Fire	Capital Outlay - Equipment 635,043
001 976 00 712 4 459	Traffic Engineering	Capital Outlay - Equipment 146,146
001 977 00 750 4 459	Street	Capital Outlay - Equipment 102,001
001 978 00 800 4 459	Refuse & Recycling	Capital Outlay - Equipment 36,036
001 298 0	Assigned Fund Balance	(1,281,370)

Restricted Fund Balances - To recognize funds restricted for Ball Park Bond Debt Service; Recycling truck, remaining FY 2013 purchases; and remaining escrow balances from FY 2012 and FY 2013 to be applied to principal.Capital Lease

Account No.	Department	Amount
001 305 01 0000	Revenues	B & O Tax - Current Year 534,963
001 298 0	Assigned Fund Balance	(534,963)

Nonspendable Fund Balances - To recognize nonspendable fund balances for Prepaid Insurance per GASB 54.

001 444 05 000 5 566	Transfers to Other Funds	Municipal Stabilization Fund 540,813
001 298 0	Assigned Fund Balance	(540,813)

Unassigned Fund Balance - To transfer unassigned balance to the Municipal Stabilization Fund

Reportable: To maintain compliance with the budgetary guidelines of the State of West Virginia

Councilman Reishman moved to approve the Resolution. Councilman Lane seconded the motion. The question being on the passage of the Resolution. A roll call was taken and there were; yeas – 27, nays – 0, absent- 1, as follows:

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

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution 369-13 adopted.

5. Your committee on Finance has had under consideration Resolution No. 370-13, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 370-13 - Authorizing the Mayor or City Manager to enter into a Lease Agreement with the Charleston Convention and Visitors Bureau for space at 601 Morris Street. The leased premises shall consist of approximately 2,489 square feet, identified as Suite 204. The term shall be for thirty-six (36) months commencing December 1, 2013, and ending November 30, 2016, for a total rental amount of \$111,600, payable in one lump sum of \$36,000 and 36 monthly installments of \$2,100.”

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 Lease Agreement with the Charleston Convention and Visitors Bureau for space at 601 Morris Street. The leased premises shall consist of approximately 2,489 square feet, identified as Suite 204. The term shall be for thirty-six (36) months commencing December 1, 2013, and ending November 30, 2016, for a total rental amount of \$111,600, payable in one lump sum of \$36,000 and 36 monthly installments of \$2,100.”

Councilman Reishman moved to approve the Resolution. Councilman Lane seconded the motion. With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution 370-13 adopted.

6. Your committee on Finance has had under consideration Bill No. 7603, and reports the same to Council with the recommendation that the bill do pass.

Bill No. 7603 - A BILL authorizing the Mayor to accept a Deed from the West Virginia Department of Highways (“WVDOH”) for the Court Street Pump Station located on the easterly side of Court Street between Dryden Street and Welch Street, as more fully described in the survey attached hereto as Exhibit A.

WHEREAS, on November 19, 1973, the Council of the City of Charleston authorized the Mayor to execute an agreement facilitating the construction of a pump station by the WVDOH on property owned by the WVDOH on the easterly side of Court Street in the area between Dryden Street and Welch Street (pump station and underlying property collectively referred to as the “Pump Station”); and

WHEREAS, a term of the 1973 agreement stipulated that upon completion, the Pump Station was to be conveyed to the City and thereafter be owned, operated and maintained by the City; and

WHEREAS, after the completion of the Court Street pump station in the 1970’s the WVDOH transferred the Pump Station to the City and since that time the City has owned, operated and maintained the Pump Station; and

WHEREAS, in 2013 the City began a major renovation of the Court Street pump station and in preparation for the renovations was unable to locate a properly recorded deed from the WVDOH to the City for the Pump Station; and

WHEREAS, the WVDOH and City are in agreement that the terms of the 1973 agreement were satisfied and that in order to properly memorialize the ownership of the Pump Station, a deed from the WVDOH to the City for the Pump Station should be recorded with the Kanawha County Clerk;

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

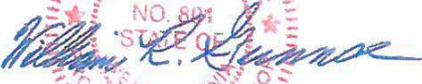
That, subject to review and approval by legal counsel for the City, the Mayor is hereby authorized to accept a Deed from the West Virginia Department of Highways to the City for the Court Street Pump Station property as more fully described in the survey attached hereto as Exhibit A, and to take any additional actions necessary to ensure the City’s ownership of the Court Street Pump Station property.

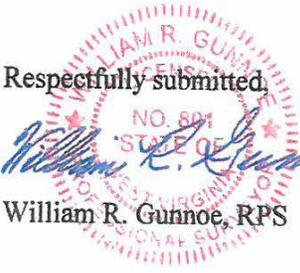
Exhibit A

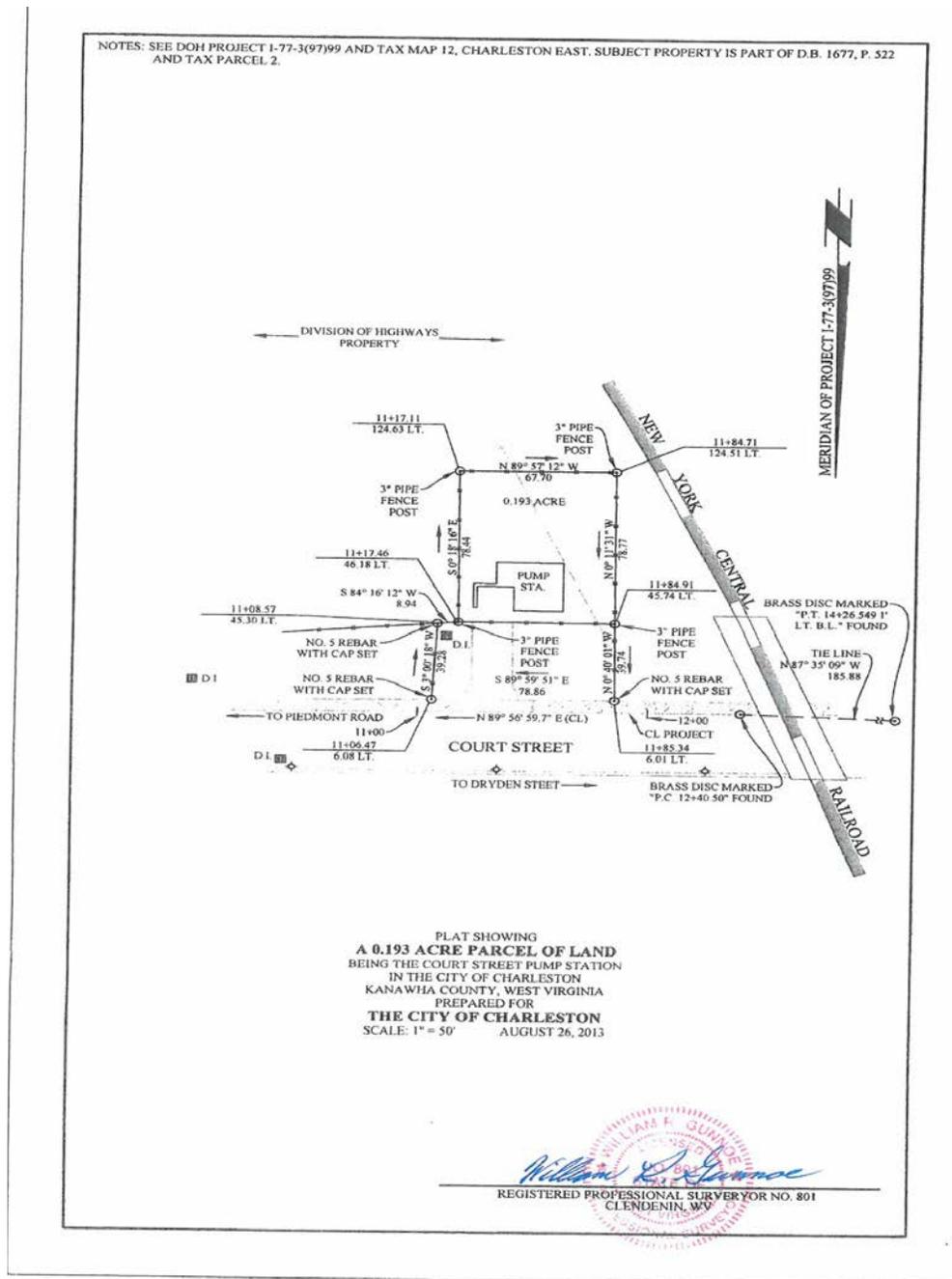
DEED DESCRIPTION
August 26, 2013

That certain piece or parcel of land situate in the City of Charleston, Kanawha County, West Virginia, more particularly described as follows:

Beginning at a No. 5 rebar with cap set at the southerly edge of the sidewalk along Court Street at a point which is located 6.01 feet left of centerline station 11 + 85.34 of said Court Street, DOH Project I-77-3(97)99, thence S89-59-51E 78.86 feet, leaving the said beginning point and running in a reverse centerline direction to a No. 5 rebar with cap set at the south edge of the concrete sidewalk as aforesaid, said point being located 6.08 feet left of centerline station 11 + 06.47 of said Court Street; thence S3-00-18W 39.28 feet, leaving the said Court Street sidewalk and running through the property of the Grantors herein to a No. 5 rebar with cap set in a fence at a point located 45.30 feet left of centerline station 11 + 08.57 of said Court Street; thence S84-16-12W 8.94 feet, running with the said fence to a 3” pipe fence post located 46.18 feet left of centerline station 11 + 17.46 of said Court Street; thence S0-18-16E 78.44 feet, continuing with the said fence line to a 3” pipe fence post located 124.63 feet left of centerline station 11 + 17.11 of said Court Street; thence N89-57-12W 67.70 feet, running with the said fence line to a 3” pipe fence post located 124.51 feet left of centerline station 11 + 84.71 of said Court Street; thence N0-11-31W 78.77 feet, running again with said fence line to a 3” pipe fence post located 45.74 feet left of centerline station 11 + 84.91 of said Court Street; thence N0-40-01W 39.74 feet, leaving the said fence and continuing through the said Grantors’ property to the point of beginning, containing in all 0.193 acre, more or less, all as shown more fully on a map or plat thereof entitled “PLAT SHOWING A 0.193 ACRE PARCEL OF LAND BEING THE COURT STREET PUMP STATION IN THE CITY OF CHARLESTON KANAWHA COUNTY, WEST VIRGINIA PREPARED FOR THE CITY OF CHARLESTON SCALE: 1” = 50’ AUGUST 26, 2013” as surveyed and mapped by William R. Gunnoe, RPS, a copy of which is attached hereto and thereby made a part hereof.

Respectfully submitted,

William R. Gunnoe, RPS





Councilman Reishman moved to approve the Bill. Councilman Lane seconded the motion. The question being on the passage of the Bill. A roll call was taken and there were; yeas – 27, nays – 0, absent- 1, as follows:
YEAS: Burton, Clowser, Davis, Deneault, Dodrill, Ealy, Haas, Harrison, Hoover, Kirk, Lane, Miller, Minardi, Nichols, Persinger, Reishman, Richardson, Russell, Salisbury, Snodgrass, Sheets, Smith, Stajduhar, Talkington, Ware, White, Mayor Jones.
With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7603 adopted.

REPORTS OF OFFICERS

1. City Treasurer's Report to City Council Month Ending September 2013.
Received and Filed
2. Report of the City of Charleston Financial Statements for the fiscal year ended June 30, 2013.
Received and Filed

ADJOURNMENT

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

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

At 7:30 p.m., by a motion from Councilmember Harrison, Council adjourned until Monday, November 4, 2013, at 7:00 p.m., in the Council Chamber in City Hall.

Danny Jones, Honorable Mayor

James M. Reishman, City Clerk