

**JOURNAL
OF THE
COUNCIL
CITY OF CHARLESTON
WEST VIRGINIA
MARCH 18, 2013**

THE COUNCIL MET IN CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE SECOND MEETING IN THE MONTH OF MARCH ON THE 18th DAY, IN THE YEAR 2013, 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 CHARLESTON FIRE DEPARTMENT.

**BURKA
DAVIS
EALY
KIRK
MINARDI
REISHMAN
SALISBURY
SNODGRASS
WARE
MAYOR JONES**

**BURTON
DENEALT
HAAS
LANE
NICHOLS
RICHARDSON
SHEETS
STAJDUHAR
WEINTRAUB**

**CLOUSER
DODRILL
HARRISON
MILLER
PERSINGER
RUSSELL
SMITH
TALKINGTON
WHITE**

WITH TWENTY-EIGHT 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

None

CLAIMS

1. A claim of Carlin Thaxton, 561 Burlew Dr., Charleston, WV; alleges damage to vehicle.

Refer to City Solicitor.

PROCLAMATION

**EXECUTIVE DEPARTMENT
CITY OF CHARLESTON
PROCLAMATION**

WHEREAS: Food is the substance by which life is sustained; and

WHEREAS: The type, quality and amount of food that individuals consume each day plays a vital role in their overall health and physical fitness; and

WHEREAS: Diet and nutrition have never been more important in our fight against obesity and chronic disease; and

WHEREAS: With the multitude of unhealthy dietary choices available today, it is important for all of us to remember that fresh fruits, vegetables and low-fat protein are essential to keeping our bodies healthy; and

WHEREAS: Adequate nutrition is a necessity for the critical maintenance of good health and a good quality of life; and

WHEREAS: There is a need for continuing nutrition education and a wide-scale effort to enhance good eating habits; and

WHEREAS: National Nutrition Month, a nutrition education and information campaign sponsored annually by the American Dietetic Association, helps spread the word about the importance of a healthy diet and regular exercise.

Now therefore, I, Danny Jones, Mayor of the City of Charleston, do hereby proclaim March as:

National Nutrition Month

in the City of Charleston, West Virginia and urge all citizens to join the campaign and become more concerned about their nutrition and to make informed food choices, develop sound eating habits and incorporate daily exercise into their lives.

IN WITNESS WHEREOF, I have set my hand and caused the Seal of the Executive Department to be affixed this 14th day of March 2013.

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 274-13, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 274-13: “Authorizing the Mayor or his designee to sign and submit a grant application to the State Historic Preservation Office, Division of West Virginia Culture and History, for funds in an amount up to \$100,000 for restoration of the Mausoleum at Spring Hill Cemetery Park, with fifty percent (50%) matching funds to be provided through the Spring Hill Cemetery Endowment Fund.”

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

That the Mayor or his designee is hereby authorized and directed to sign and submit a grant application to the State Historic Preservation Office, Division of West Virginia Culture and History, for funds in an amount up to \$100,000 for restoration of the Mausoleum at Spring Hill Cemetery Park, with fifty percent (50%) matching funds to be provided through the Spring Hill Cemetery Endowment Fund.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 274-13 adopted.

2. Your Committee on Finance has had under consideration Resolution No 275-13, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 275-13 _____: “Authorizing the Mayor or his designee to sign and submit an application to the West Virginia Division of Justice and Community Services for a Justice Assistance Grant in the amount of \$87,000 to provide funds for a Prevention Resource Officer at Stonewall Jackson Middle School, Capital High School, and George Washington High School.”

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

That the Mayor or his designee is hereby authorized and directed to sign and submit an application to the West Virginia Division of Justice and Community Services for a Justice Assistance Grant in the amount of \$87,000 to provide funds for a Prevention Resource Officer at Stonewall Jackson Middle School, Capital High School, and George Washington High School.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 275-13 adopted.

3. Your Committee on Finance has had under consideration Resolution No 276-13, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 276-13 : “Authorizing the Mayor or his designee to sign and submit an application to the West Virginia Division of Justice and Community Services for a Justice Assistance Grant in the amount of \$95,576 to provide necessary funding for continuation of the pilot program “Second Chance” a Drug Market Intervention (DMI) program dedicated to returning drug corrupt neighborhoods back to the residents while giving offenders a second chance to become productive citizens.”

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

That the Mayor or his designee is hereby authorized and directed to sign and submit an application to the West Virginia Division of Justice and Community Services for a Justice Assistance Grant in the amount of \$95,576 to provide necessary funding for continuation of the pilot program “Second Chance” a Drug Market Intervention (DMI) program dedicated to returning drug corrupt neighborhoods back to the residents while giving offenders a second chance to become productive citizens.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 276-13 adopted.

4. Your Committee on Finance has had under consideration Resolution No 277-13, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 277-13 : “Authorizing the Mayor or his designee to enter into an Intergovernmental Data Sharing Agreement, attached as Exhibit A hereto, with the Office of the Kanawha County Assessor (“Assessor”) for the purpose of developing and utilizing a Geographic Information System (“GIS”) in the City of Charleston and to facilitate the exchange of information between the City and Assessor for the benefit of the public, and further authorizing payment to the Assessor up to One Hundred Sixty Thousand Dollars (\$160,000.00) consistent with the terms of the Agreement.”

WHEREAS, the City desires to develop a GIS database covering all tax map parcels within the City limits and requires digital parcel and tabular data for each tax map parcel to create and maintain a City GIS database; and

WHEREAS, the Assessor is responsible for the creation and maintenance of tax maps for the entire County of Kanawha, including the creation of digital parcel and tabular data for each tax map parcel, and is the only entity permitted under state law to copy, reproduce, distribute or sell county tax maps; and

WHEREAS, the City and Assessor desire to cooperate and share in the cost to expedite the development of digital parcel and tabular data for each tax map parcel, and parcels intersecting City limits, and to exchange information developed and maintained by each for the benefit of the public and the services provided thereto; and

WHEREAS, based on information and belief, it would cost the City two to three times the amount requested by the Assessor if the City were to hire an outside

consultant to develop a GIS database for the City similar to that being developed by Assessor and, additionally, City would thereafter have to pay additional annual costs to the outside consultant for updates to the GIS database; and

WHEREAS, both the City and Assessor believe that it is necessary and to their mutual advantage to cooperate and coordinate in the development and ongoing operation of the City GIS and that said development will result in economies in the operation of local government and meet the needs of both parties in the development of government services and facilities, and thus promote the public health, safety, and welfare of the citizens of Charleston and Kanawha County;

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

That, subject to final review and approval by legal counsel for the City, the Mayor or his designee is hereby authorized to enter into an Intergovernmental Data Sharing Agreement, attached as Exhibit A hereto, with the Office of the Kanawha County Assessor with an initial term ending on December 31, 2016, and automatic renewal every four years until terminated, for which the City shall pay a sum of not more than One Hundred Sixty Thousand Dollars (\$160,000.00) consistent with the terms of the Agreement.

This authorization is granted by Resolution pursuant to the Municipal Code of the City of Charleston Chapter 3, Article II, Section 3-12.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 277-13 adopted.

5. Your Committee on Finance has had under consideration Resolution No 278-13, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 278-13 : “Authorizing the Mayor or City Manager to enter into Supplemental Agreement No. 2 between the West Virginia Department of Transportation, Division of Highways (“Department”) and the City of Charleston (“Sponsor”), supplementing the original Agreement between Department and Sponsor dated June 25, 2009, and Supplemental Agreement No. 1 dated June 6, 2012, for the Charleston Kanawha Trestle Trail, State Project: U320-Kan/AW-8.00, and reprioritizing Project funds to the multi-use bicycle/pedestrian facilities along Kanawha Boulevard between Magic Island and Patrick Street.”

WHEREAS, the original Agreement provided for the participation of the Department and Sponsor in a project to acquire a railroad trestle and additional railroad right-of-way and convert them to a rail trail; and the Supplemental Agreement No. 1 replaced this scope of work with construction of sidewalks, electrical and pedestrian amenities, and landscaping on Florida Street; and

WHEREAS, the Sponsor has requested a change of scope of work for the project to

reprioritize the project funds to the Charleston Kanawha Trestle Rail Trail Project; and

WHEREAS, the Department and Sponsor agree as follows:

1. That the project will no longer include the construction of five-foot wide sidewalk with appropriate curb cuts and crosswalks, truncated domes, electrical amenities, pedestrian amenities, and landscaping on Florida Street beginning at Grant Street and Third Avenue and proceeding to Washington Street West. That the project will include a conceptual layout and description of the entire Rails to Trails – Kanawha Trestle – System of Trails from the Mound in South Charleston to Magic Island on Kanawha Boulevard in Charleston and will be used on the multi-use bicycle/pedestrian facilities along Kanawha Boulevard between Magic Island and Patrick Street. No additional funding will be awarded to perform this change in scope of work.
2. That the Sponsor will submit to the Department City Council Resolution No. 278-13 adopting the layout and description of the Rails to Trails – Kanawha Trestle – System of Trails.
3. That all terms and provisions contained in the heretofore referenced original Agreement dated June 25, 2009, and Supplemental Agreement No. 1 dated June 6, 2012, shall remain in force and effect except as modified and/or altered by this Supplemental Agreement No. 2.
4. That the Notice to Proceed for design date of July 19, 2012, letter is still effective for this project upon completion of all environmental and State Historic Preservation Office requirements allowing said project to be completed within a two-year period; now, therefore,

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 Supplemental Agreement No. 2 between the West Virginia Department of Transportation, Division of Highways, and the City of Charleston to reprioritize funds for State Project: U320-Kan/AW-8.00 to the Charleston Kanawha Trestle Rail Trail Project and will be used on the multi-use bicycle/pedestrian facilities along Kanawha Boulevard between Magic Island and Patrick Street, and in consideration of all other terms and provisions set forth in this Supplemental Agreement No. 2.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 278-13 adopted.

6. A proposal submitted by Physio-Control, in the amount of \$25,202.60, for purchase of two (2) Lucas 2 Chest Compression Systems to be placed in ambulances used by

the Charleston Fire Department. To be charged to Account No. 001-976-00-706-4-459, Fire Department—Heart Monitor and 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

7. A bid submitted by Bridgeport Equipment, in the amount of \$57,269.00, for purchase of a John Deere 5075E tractor with MoTrim Mts-15-4HB mower attachment, to be used by the Public Grounds Department. To be charged to Account No. 001-975-00-567-4-459, Public Grounds—Capital Outlay, Equipment (SunTrust Equipment Finance & Leasing Corporation, Lease Purchase Escrow Account No. 08673, Equipment Schedule 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

REPORTS OF OFFICERS

1. Report of the City of Charleston, Municipal Court Financial Statements; February 2013.

Received and Filed.

2. Report of the City of Charleston Payroll Variance Analysis; January 2013.

Received and Filed.

3. Report of the City of Charleston Payroll Variance Analysis; February 2013.

Received and Filed.

4. City Treasurer's Report to City Council Month Ending February 2013.

Received and Filed.

5. Report of the City of Charleston Financial Statements for the Eight-Month period ended February 28, 2013.

Received and Filed.

NEW BILLS

Introduced by Council member Ed Talkington on March 18, 2013:

Bill No. 7565 - A Bill to repeal Ordinance No. 2507 passed by Council on July 16, 1979 relating to a Two Hour Parking Zone between 8:00 A.M. and 6:00 P.M. on the south side of Monongalia Street from the intersection of Maryland Avenue and Monongalia Street to the intersection of Ohio Avenue and Monongalia Street 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 fourteen, Article five, to conform therewith.
Refer to Streets and Traffic Committee.

Introduced by Council member s Robert Sheets and Joe Deneault on March 18, 2013: Bill No. 7566__ A Bill to amend and re-enact Ordinance No. 7511 passed by Council on March 5, 2012 relating to a Two Hour Parking Zone on the east side of the easterly lane of Leon Sullivan Way from Smith Street to a point 496 feet south of Smith Street and on the west side of the easterly lane and east side of the westerly lane from Smith Street to a point 397 feet south of Smith Street and amending the Traffic Control Map and Traffic Control File established by the Code of the City of Charleston, West Virginia, two thousand three, as amended, Traffic Law, Section 263, Division 2, Article 4, Chapter 114, to conform therewith.
Refer to Streets and Traffic Committee.

ROLL CALL

The Clerk called the roll:

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

At 7:25 p.m., by a motion from Councilmember Harrison, Council adjourned until Monday, April 1, 2013, at 7:00 p.m.

Danny Jones, Honorable Mayor

James M. Reishman, City Clerk