

**JOURNAL
OF THE
COUNCIL
CITY OF CHARLESTON**

WEST VIRGINIA

MAY 21, 2012

THE COUNCIL MET IN CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE SECOND MEETING IN THE MONTH OF MAY ON THE 21st DAY, IN THE YEAR 2012, AND WAS CALLED TO ORDER BY THE HONORABLE MAYOR, DANNY JONES. THE INVOCATION WAS DELIVERED BY RICHARDSON AND THE PLEDGE OF ALLEGIANCE WAS LED BY TALKINGTON.

**BURKA
DAVIS

KIRK
MINARDI
REISHMAN
SALISBURY
SNODGRASS
WARE
MAYOR JONES**

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

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

WITH TWENTY- SEVEN 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

1. Sunya Anderson

CLAIMS

1. A claim of Kirtha Koon, 90 Wingfield Lane, Elkview, WV; alleges damage to vehicle.
Refer to City Solicitor

2. A claim of Zachary Ayoob, 4 Beacon Hill, Charleston, WV; alleges damage to property.
Refer to City Solicitor

COMMUNICATIONS

TO: JAMES REISHMAN
CITY CLERK

FROM: DANNY JONES
MAYOR

RE: CHARLESTON LAND TRUST

DATE: MAY 21, 2012

I recommend that Angela Gould, 1585 Quarrier Street, Charleston, WV 25311, be appointed to the Charleston Land Trust, with an initial term to expire October 4, 2012. She is replacing Kasey Russell.

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

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the appointment confirmed.

FINANCE

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

1. Your Committee on Finance has had under consideration Resolution No 137-12, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 137-12: “Authorizing the Mayor to sign and submit Community Participation Program grant information sheets and all related documents for fourteen (14) projects.”

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 Community Participation Program grant information sheets and all related documents for the following agencies located

within the City of Charleston.

Charleston Area Alliance	12LEDA0083	\$20,000
Charleston Area Alliance	12LEDA0087	\$15,000
Charleston Area Alliance	12LEDA0403	\$ 1,000
Give Kids A Smile	12LEDA0082	\$ 5,000
HOPE Community Development	12LEDA0088	\$15,000
Kanawha City Community Assoc.	12LEDA0410	\$ 7,000
Kanawha City Community Assoc.	12LEDA0085	\$15,000
Rea of Hope	12LEDA0417	\$ 1,000
Rea of Hope	12LEDA0416	\$ 2,500
Salvation Army Boys & Girls Club	12LEDA0418	\$14,600
WV Humanities Council	12LEDA0086	\$10,000
West Side Main Street	12LEDA0429	\$ 7,000
West Side Main Street	12LEDA0084	\$12,500
YWCA Sojourner's Shelter	12LEDA0434	\$ 2,000

The question being on the adoption of the resolution. A roll call was taken and there were; yeas –27, absent - 1, as follows:

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

ABSENT: Ealy,

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 137-12.

2. Your Committee on Finance has had under consideration Resolution No 138-12, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 138-12: "Authorizing the Finance Director to allocate funds in the amount of \$57,000.00 for acquisition of one (1) HOME project located in the City 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 for acquisition of the following HOME project:

Oakwood Road area	\$57,000.00
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The question being on the adoption of the resolution. A roll call was taken and there were; yeas –27, absent - 1, as follows:

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

ABSENT: Ealy,

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 138-12.

3. Your Committee on Finance has had under consideration Resolution No 139-12, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 139-12: “Authorizing the Mayor or his designee to submit a grant application to the U.S. Department of Justice, Bureau of Justice Assistance, for a Byrne Criminal Justice Innovation grant, in the amount of \$600,000 for a 36-month project period, providing for planning, research, salary, benefits, officer overtime, and travel/training to enhance and implement “*Second Chance*”, a Drug Market Intervention (DMI) program dedicated to permanently eliminating drug markets located within the City limits.”

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 submit a grant application to the U.S. Department of Justice, Bureau of Justice Assistance, for a Byrne Criminal Justice Innovation grant, in the amount of \$600,000 for a 36-month project period, providing for planning, research, salary, benefits, officer overtime, and travel/training to enhance and implement “*Second Chance*”, a Drug Market Intervention (DMI) program dedicated to permanently eliminating drug markets located within the City limits.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the Resolution No. 139-12, adopted.

4. Your Committee on Finance has had under consideration Resolution No 140-12, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 140-12: “Authorizing the Mayor to receive and administer funds in the amount of \$15,000 from the West Virginia State Police Commission on Drunk Driving Prevention for the purpose of conducting DUI checkpoints and roving patrols.”

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

That the Mayor is hereby authorized and directed to receive and administer funds in the amount of \$15,000 from the West Virginia State Police Commission on Drunk Driving Prevention for the purpose of conducting DUI checkpoints and roving patrols.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the Resolution No. 140-12, adopted.

5. Your Committee on Finance has had under consideration Resolution No 141-12, and reports the same to Council with the recommendation that the resolution be adopted.

THE SANITARY BOARD OF THE CITY OF CHARLESTON, WEST VIRGINIA

Resolution requesting the City Council of the City of Charleston, West Virginia to authorize the City of Charleston to file civil actions in the Circuit Court of Kanawha County for the condemnation of property for sanitary sewer access easements and acquisition of a 0.063 acre tract of land necessary for the Sanitary Board of the City of Charleston, West Virginia to construct, install and complete its Coal Hollow Pump Station Replacement Project.

WHEREAS, the Sanitary Board of the City of Charleston, West Virginia (the "Sanitary Board") is pursuing a sewer replacement project in the Coal Hollow area situated within its service territory in and surrounding the City of Charleston (the "Project") which is necessary to replace a failing pump station and is necessary for the health and welfare of the citizens of the City of Charleston;

WHEREAS, the Project includes the replacement of a pump station, and several permanent access easements and acquisition of a tract of land are necessary to undertake and complete the Project;

WHEREAS, the Sanitary Board has diligently sought the property owners' agreement for the permanent access easements and acquisition of the tract of land but due to factors including, but not limited to, uncooperative property owners, the Sanitary Board has been unable to obtain by negotiation and agreement these necessary permanent access easements and tract of land;

WHEREAS, the Sanitary Board has no choice but to request the City of Charleston to authorize the filing of civil actions for the acquisition, pursuant to the City of Charleston's power of eminent domain, of certain property interests in order to obtain the necessary sewer permanent access easements and tract of land for the Project; now, therefore,

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

Section 1. To accomplish construction of the Coal Hollow Pump Station Replacement project situated within its service territory in and surrounding the City of Charleston (the "Project") necessary for the health and welfare of the citizens of the City of Charleston, the Sanitary Board of the City of Charleston, West Virginia ("Sanitary Board") must obtain permanent access easements across and through certain properties and must obtain ownership of a tract of land as set forth on Exhibit A to this Resolution.

Section 2. The Sanitary Board requests the City Council of the City of Charleston to authorize the City of Charleston, on behalf of and by and through the Sanitary Board and its counsel to file civil actions for the acquisition for the Sanitary Board, pursuant to the power of eminent domain, of the property interests set forth on Exhibit A and to take such other and further action as may be reasonably necessary to acquire the property rights necessary to construct, install, operate, maintain, repair, replace, rehabilitate, line and remove a pump station and appurtenances thereto and to acquire the rights of access to such pump station and appurtenances thereto.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the Resolution No. 141-12, adopted.

6. Your Committee on Finance has had under consideration Resolution No 142-12, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 142-12 : "Authorizing the Finance Director to issue a refund in the amount of \$47,354.93 to the Boston Concessions Group, Inc., for overpayment of Business & Occupation ("B&O") Tax for the period October 1, 2011 through December 31, 2011. The refund is due to the taxpayer overstating revenues on its 4th quarter 2011 B&O Tax return."

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 in the amount of \$47,354.93 to the Boston Concessions Group, Inc., for overpayment of Business & Occupation (“B&O”) Tax for the period October 1, 2011 through December 31, 2011. The refund is due to the taxpayer overstating revenues on its 4th quarter 2011 B&O Tax return.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the Resolution No. 142-12, adopted.

7. Your Committee on Finance has had under consideration Resolution No 143-12, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 143-12: “Authorizing the Finance Director to issue a refund in the amount of \$28,671.81 to Carrier Enterprise, LLC for overpayment of Business and Occupation (“B&O”) Tax for the period October 1, 2009 through June 30, 2011. The refund is due to the taxpayer overstating revenues on its 3rd quarter 2009 through 2nd quarter 2011 B&O Tax return.”

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 in the amount of \$28,671.81 to Carrier Enterprise, LLC for overpayment of Business and Occupation (“B&O”) Tax for the period October 1, 2009 through June 30, 2011. The refund is due to the taxpayer overstating revenues on its 3rd quarter 2009 through 2nd quarter 2011 B&O Tax return.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the Resolution No. 143-12, adopted.

8. Your Committee on Finance has had under consideration Resolution No 145-12, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 145-12: “Authorizing the Mayor or his designee to enter into an Agreement with the West Virginia Department of Transportation, Division of Highways (“Department”), for State Project No. U320-CHA/S-46.00 and Federal Project No. TCSP-11WV(005)D relating to eligible funds for the Slack Plaza Improvements 2011 project. The total eligible project cost as set by this Agreement is \$815,250 and 80% of the funds (\$652,200) are eligible for reimbursement by the Department with the remaining 20% matching funds (\$163,050) the responsibility of the City of 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 with the West Virginia Department of Transportation, Division of Highways (“Department”), for State Project No. U320-CHA/S-46.00 and Federal Project No. TCSP-11WV(005)D relating to eligible funds for the Slack Plaza Improvements 2011 project. The total eligible project cost as set by this Agreement is \$815,250 and 80% of the funds (\$652,200) are eligible for reimbursement by the Department with the remaining 20% matching funds (\$163,050) the responsibility of the City of Charleston.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the Resolution No. 145-12, adopted.

9. Your Committee on Finance has had under consideration a bid submitted by State Equipment, Inc., in the amount of \$48,073, for purchase of one skid steer loader to be used by the Public Works Department. To be charged to Account No. 001-977-00-750-4-459, Public Works (St. Dept.)—Capital Outlay, Equipment (Mears Motor Leasing, Lease Purchase Escrow Account No. 131029538, Schedule A2) , 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. City Treasurer's Report to City Council Month Ending April 2012.
Received and Filed.

2. Report of the City of Charleston Financial Statements for the
Ten-Month period ended April 30, 2012.
Received and Filed.

ROLL CALL

The Clerk called the roll:

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

ABSENT: Ealy,

At 7:20 p.m., by a motion from Councilmember Harrison, Council adjourned until Monday, June 4, 2012, at 7:00 p.m.

Danny Jones, Honorable Mayor

James M. Reishman, City Clerk