

**JOURNAL
OF THE
COUNCIL
CITY OF CHARLESTON
WEST VIRGINIA
JULY 16, 2012**

THE COUNCIL MET IN CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE SECOND MEETING IN THE MONTH OF JULY ON THE 16th DAY, IN THE YEAR 2012, 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 BURKA.

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

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

**CLOWSER

HARRISON
MILLER
PERSINGER
RUSSELL
SMITH
TALKINGTON
WHITE**

WITH TWENTY- SIX 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 Joann Morphis, 19 Bradford Street, Apt. 203, Charleston, WV; alleges personal injury.

Refer to City Solicitor

2. A claim of Marsha Gresham, Rt. 2 Box 64, Chapmanville, WV; alleges damage to vehicle.

Refer to City Solicitor.

3. A claim of Melanie Martin, 3402 Noyes Ave., Charleston, WV; alleges damage to property.

Refer to City Solicitor

4. A claim of Sandra Reed, 708 Kanawha Blvd., West, Charleston, WV; alleges damage to property.

Refer to City Solicitor

COMMUNICATIONS

The Clerk read the following appointments:

TO: JAMES REISHMAN, CITY CLERK

FROM: DANNY JONES, MAYOR

RE: RIVERFRONT COMMITTEE

DATE: JULY 16, 2012

I am reactivating the Riverfront committee to include the following members:

Mary Jean Davis, Chair
Bobby Reishman
James Ealy
Ed Talkington
Tom Lane
Shannon Snodgrass (replacing Jim Harris)
Mike Stajduhar (replacing Will Hanna)
Robert Sheets
Marc Weintraub

Received and Filed.

TO: JAMES REISHMAN, CITY CLERK
FROM: DANNY JONES, MAYOR
RE: CHARLESTON HUMAN RIGHTS COMMISSION
DATE: JULY 16, 2012

I recommend that Braxton Broady, 101 Florida Street, Charleston, WV 25302, be reappointed to the Charleston Human Rights Commission, with a said term to expire June 30, 2015.

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.

TO: JAMES REISHMAN, CITY CLERK
FROM: DANNY JONES, MAYOR
RE: CHARLESTON HUMAN RIGHTS COMMISSION
DATE: JULY 16, 2012

I recommend that Carol Hamric, P O Box 2102, Charleston, WV 25328, be reappointed to the Charleston Human Rights Commission, with a said term to expire June 30, 2015.

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.

TO: JAMES REISHMAN, CITY CLERK
FROM: DANNY JONES, MAYOR
RE: CHARLESTON WAYFINDING COMMISSION
DATE: JULY 16, 2012

I recommend that Ric Cavender, 1318 Johnson Road, Charleston, WV 25314, be appointed to the Charleston Wayfinding Commission, with an initial term to expire September 1, 2013.

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.

MISCELLANEOUS RESOLUTION

Resolution No. 177-12

Introduced in Council: July 16, 2012 Passed by Council: July 16, 2012

Introduced by: Tom Lane and Courtney Persinger

WHEREAS, the Sunrise Carriage Trail property was originally part of the estate of West Virginia’s ninth Governor, William A. MacCorkle and donated to the City of Charleston by the law firm of Farmer, Cline & Arnold in 2003, and shortly after the Charleston Land Trust was created to manage this and other similar property; and

WHEREAS, care of the Sunrise Carriage Trail property was entrusted to a subcommittee of the Charleston Land Trust, and during the eight years of management by the Sunrise Carriage Trail subcommittee, the subcommittee has become a model for property management and stewardship; and

WHEREAS, funding for improvements, beautification and maintenance of the Sunrise Carriage Trail property is provided from a fund established by former neighbors, Richard and Celeste Ayre. The generosity of these private citizens assures permanent financial resources for this property and serves as a constant reminder of how each of us can affect posterity through charity; and

WHEREAS, the City has assigned workers under the supervision of Harley Goodwin as an effective means to improve, beautify and maintain this property, and notably Kenny Williams has shown industry, ingenuity and skill in the significant accomplishments to date; and

WHEREAS, the Sunrise Carriage Trail property was recently designated by the U.S. Secretary of the Interior as a National Recreation Trail in recognition of its “commitment to providing outdoor recreation, physical fitness, heritage and volunteer opportunities for Americans of all ages”; and

WHEREAS, The Charleston Area Alliance recognized the Sunrise Carriage Trail with a 2012 We Love Our Community Award for Sustainable Development; and

WHEREAS, The Carriage Tail Committee was honored by The Garden Club of America in May 2012 with the GCA Club Historic Preservation Commendation for significant contribution to historic preservation for their leadership and untiring efforts in restoring horticultural authenticity, preserving the unique character and enabling public appreciation of the historic Carriage Trail.; and

WHEREAS, through a donation made by former Charleston residents Richard and Bob Hess, the City acquired the Justice Row property which has been added to and incorporated within the Sunrise Carriage Trail property, providing parking and significant

additional amenities to the park which was enhanced with plantings provided by Kanawha Garden Club; and

WHEREAS, with the combination of the work of the private citizen members of the Sunrise Carriage Trail subcommittee who have dedicated countless hours of work on the property, the efforts of city workers, the funding provided by two generous citizens of the City of Charleston, Richard and Celeste Ayre, the generosity of Richard and Bob Hess and the work of the Charleston Land Trust, the Sunrise Carriage Trail property has been transformed from a rough and eroded trail with crumbling walls and invasive vines to a gem the City can be proud of and show off with its pocket gardens, preserved stands of hardwoods, a renovated and historic trail and natural landscaping. It is now part of the mosaic which makes Charleston a wonderful City.

NOW THEREFORE, the City of Charleston does hereby recognize, applauds and offers its appreciation:

Posthumously to Richard and Celeste Ayre, whose vision for the Sunrise Carriage Trail property is realized by the commitment and work of many volunteers,

To the law firm of Farmer, Cline and Arnold which made the gift of the property in 2003;

To Richard and Bob Hess whose generosity enabled the acquisition of the Justice Row property,

To the City workers, particularly Shannon Milroy, Harley Goodwin, Kenny Williams and Nick McBurney, who have embraced the beautification of this property as their own mission, and

To the multitude of private citizens who likewise have adopted this property and embraced its vision as their own, including

Mary Stanley
Nancy Ward
Dave Higgins
Wayne Eich
Joan Steven
Bill Mills
Henry Battle
Virginia King
Dan Foster
Dave Gettman
Sharon Hauser
Russell Williams
Claude Fowlkes
Bob Miller
Jim Balow
Laura Lee Albert
Louda Wyner
Lewis Payne
Courtney Persinger
Sara Hoblitzell

Pat Clark
Chaste Truman Barclay
Colleen Anderson
Bill Shanklin
A multitude of Boy Scouts
Kanawha Garden Club
(especially Nancy Thomas)

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the Resolution No. 177-12, adopted.

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 167-12, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 167-12 : “Authorizing the Finance Director to amend the 2010 and 2011 Community Development Block Grant (CDBG) Budgets for purchase and installation of playground equipment at the new housing units at the former Washington Manor site. The Chamberlain Court rehabilitation project has been cancelled.”

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 and 2011 Community Development Block Grant (CDBG) Budgets, as indicated below, for purchase and installation of playground equipment at the new housing units at the former Washington Manor site. The Chamberlain Court rehabilitation project has been cancelled.

<u>Account Number</u>	<u>Description</u>	<u>Increase/(Decrease</u>
009-010-00-002-0-999	Chamberlain Court Rehab.	(\$ 50,000)
009-011-00-002-0-999	Chamberlain Court Rehab.	(\$ 50,000)
009-011-00-199-0-999	Unprogrammed Funds	\$100,000
009-011-00-199-0-999	Unprogrammed Funds	(\$ 50,000)
009-011-00-059-0-999	CKHA – Playground	\$ 50,000

The question being on the adoption of the resolution. A roll call was taken and there were; yeas –26, absent - 2, as follows:

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

ABSENT: Dodrill, Weintraub

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 167-12.

2. Your Committee on Finance has had under consideration Resolution No 168-12, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 168-12 : “Authorizing the Finance Director to allocate funds in the amount of \$62,000 for acquisition of one (1) HOME project.”

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 \$62,000 for acquisition of the following HOME project: East End Area \$62,000

The question being on the adoption of the resolution. A roll call was taken and there were; yeas –26, absent - 2, as follows:

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

ABSENT: Dodrill, Weintraub

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 168-12.

3. Your Committee on Finance has had under consideration Resolution No 169-12, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 169-12 : “Authorizing the Finance Director to issue a refund in the amount of \$56,772.32 to Cornerstone Interiors for overpayment of Business and Occupation (“B&O”) Tax for the period January 1, 2009 through December 31, 2011. The refund is due to the Taxpayer overstating revenues on its 1st quarter 2009 through 4th quarter 2011 B&O Tax returns.”

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 \$56,772.32 to Cornerstone Interiors for overpayment of Business and Occupation (“B&O”) Tax for the period January 1, 2009 through December 31, 2011. The refund is due to the Taxpayer overstating revenues on its 1st quarter 2009 through 4th quarter 2011 B&O Tax returns.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the Resolution No. 169-12, adopted.

4. Your Committee on Finance has had under consideration Resolution No 170-12, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 170-12 : “Authorizing the Mayor and/or City Manager to sign a Grant Agreement with the West Virginia Division of Justice and Community Services to receive a Justice Assistance Grant (JAG) in the amount of \$24,046.00 to provide officer overtime for the City of Charleston’s Special Enforcement Unit to assist with the Drug Market Intervention (DMI) Program beginning July 1, 2012 through June 30, 2013.”

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

That the Mayor and/or City Manager is hereby authorized and directed to sign a Grant Agreement with the West Virginia Division of Justice and Community Services to receive a Justice Assistance Grant (JAG) in the amount of \$24,046.00 to provide officer overtime for the City of Charleston’s Special Enforcement Unit to assist with the Drug Market Intervention (DMI) Program beginning July 1, 2012 through June 30, 2013.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the Resolution No. 170-12, adopted.

5. Your Committee on Finance has had under consideration Resolution No 171-12, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 171-12 : “Authorizing the Mayor and/or City Manager to sign a Grant Agreement with the West Virginia Division of Justice and Community Services to receive a Justice Assistance Grant (JAG) in the amount of \$30,000.00 for the Charleston Police Department to provide a Prevention Resource Officer (PRO) at the Stonewall Jackson Middle School and Capital High School beginning July 1, 2012 through June 30, 2013.”

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

That the Mayor and/or City Manager is hereby authorized and directed to sign a Grant Agreement with the West Virginia Division of Justice and Community Services to receive a Justice Assistance Grant (JAG) in the amount of \$30,000.00 for the Charleston Police Department to provide a Prevention Resource Officer (PRO) at the Stonewall Jackson Middle School and Capital High School beginning July 1, 2012 through June 30, 2013.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the Resolution No. 171-12, adopted.

6. Your Committee on Finance has had under consideration Resolution No 172-12, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 172-12 : “Authorizing the Finance Director to amend FY 2012-2013 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 FY 2012-2013 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 –26, absent - 2, as follows:

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

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 172-12.

7. Your Committee on Finance has had under consideration Resolution No 173-12, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 173-12 : “Authorizing the Finance Director to amend FY 2012-2013 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 FY 2012-2013 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 –26, absent - 2, as follows:

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

ABSENT: Dodrill, Weintraub

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 173-12.

8. Your Committee on Finance has had under consideration Resolution No 174-12, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 174-12: “Approving settlement of pending litigation, captioned *Robert W. Slack v. City of Charleston, West Virginia*, Civil Action No. 08-C-3363, Circuit Court of Kanawha County W.Va., Judge Charles King, in the amount of \$38,500.00 and authorizing the Mayor or his designee to execute any documents necessary to consummate the full settlement and dismissal of the pending civil action in exchange for a full release by Plaintiff of all claims stemming from a January 3, 2007, auto accident.

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

That the City Council for the City of Charleston hereby approves settlement of pending litigation, captioned *Robert W. Slack v. City of Charleston, West Virginia*, Civil Action No. 08-C-3363, Circuit Court of Kanawha County W.Va., Judge Charles King, in the amount of \$38,500.00, and hereby authorizes the Mayor or his designee to execute any documents necessary to consummate the full settlement and dismissal of the pending civil action in exchange for a full release by Plaintiff of all claims stemming from a January 3, 2007, auto accident.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the Resolution No. 174-12, adopted.

9. Your Committee on Finance has had under consideration Resolution No 175-12, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 175-12: “Authorizing the Mayor and/or City Manager to enter into an Agreement with Gibbons & Kawash to conduct a Single Audit for the City of Charleston, in accordance with Federal OMB Circular A-133, for Fiscal Years 2012, 2013, and 2014 in the total amount of \$166,460 for the three year period, or an annual cost of \$52,800, \$55,440, and \$58,220, respectively. The cost for the audit services for Fiscal Years 2013 and 2014 is subject to appropriation of funds by City Council.”

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

That the Mayor and/or City Manager is hereby authorized and directed to enter into an

Agreement with Gibbons & Kawash to conduct a Single Audit for the City of Charleston, in accordance with Federal OMB Circular A-133, for Fiscal Years 2012, 2013, and 2014 in the total amount of \$166,460 for the three year period, or an annual cost of \$52,800, \$55,440, and \$58,220, respectively. The cost for the audit services for Fiscal Years 2013 and 2014 is subject to appropriation of funds by City Council.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the Resolution No. 175-12, adopted.

10. Your Committee on Finance has had under consideration Resolution No 176-12, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 176-12: “Authorizing the Mayor and/or City Manager to enter into an Agreement with West Virginia Uniforms for purchase of employee uniforms for the Public Works Department at a cost of approximately \$233.00 per set.”

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

That the Mayor and/or City Manager is hereby authorized and directed to enter into an Agreement with West Virginia Uniforms for purchase of employee uniforms for the Public Works Department at a cost of approximately \$233.00 per set.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the Resolution No. 176-12, adopted.

11. Your Committee on Finance has had under consideration a bid submitted by American Asphalt of West Virginia for purchase of Bituminous concrete (asphalt) on an as needed basis at \$68.00 per ton for Wearing Course Material Type 1; and \$62.00 per ton for Patching & Leveling Material Type 1 to be used by the Street Department. To be charged to Account No. 001-750-00-000-3-341, Street—Materials & Supplies, 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.

12. Your Committee on Finance has had under consideration a bid submitted by Essroc Ready Mix for purchase of Portland Cement Concrete to be used by the Street Department on an as needed basis at prices listed on the attached tabulation sheet. To be charged to Account No. 001-750-00-000-3-341, Street—Materials & Supplies, 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.

13. Your Committee on Finance has had under consideration a bid submitted by Martin Marietta Aggregates for purchases of various classes and sizes of aggregate on an as needed basis at prices listed on the attached tabulation sheet. The aggregate will be used by the Street Department for projects undertaken throughout Fiscal Year 2012-2013. To be charged to Account No. 001-750-00-000-3-341, Street—Materials & Supplies, 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.

14. Your Committee on Finance has had under consideration a bid submitted by Ennis Paint, inc., in the total amount of \$28,776, for purchase of 1,650 gallons of yellow traffic marking paint (\$15,411); and 1.375 gallons of white traffic marking paint (\$13,365) to be used by the Street Department in striping streets throughout the City. To be charged to Account No. 001-750-00-000-3-341, Street – Materials and Supplies, 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.

15. Your Committee on Finance has had under consideration a bid submitted by North American Salt, in the amount of \$61.58 per ton, for purchase of salt to be used by the Street Department on an as needed basis for snow and ice removal. To be charged to Account No. 001-750-00-000-3-359, Street—Snow Removal Materials, 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; June 2012. Received and Filed.
- 2. Report of the City of Charleston Payroll Variance Analysis; June 2012. Received and Filed.
- 3. City Treasurer’s Report to City Council Month Ending June 30, 2012. Received and Filed.

NEW BILLS

Introduced by Council members Kasey Russell and Robert Sheets on July 16, 2012:
Bill No. 7531 - A Bill to create a Thirty Minute Parking Zone on the Southerly side of Lee Street from a point 88 feet West of Morris Street to a point 152 feet West of Morris 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, 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, Ealy, Haas, Harrison, Kirk, Lane, Miller, Minardi, Nichols, Persinger, Reishman, Richardson, Russell, Salisbury, Sheets, Smith, Snodgrass, Stajduhar, Talkington, Ware, White, Mayor Jones.

ABSENT: Dodrill, Weintraub

At 7:50p.m., by a motion from Councilmember Harrison, Council adjourned until Monday, August 6, 2012, at 7:00 p.m.

Danny Jones, Honorable Mayor

James M. Reishman, City Clerk