



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

CITY OF CHARLESTON, WEST VIRGINIA

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Regular Meeting – Monday, September 15, 2014

at 7:00 P.M.

Council Chamber – City Hall – Charleston, West Virginia

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**OFFICIAL RECORD**

**Danny Jones**  
Mayor

**James M. Reishman**  
City Clerk

***CALL TO ORDER***

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The Council met in the Chambers of the City Building at 7:00 P.M., for the second meeting in the month of September on the 15<sup>th</sup> day, in the year 2014, and was called to order by the Honorable Mayor, Danny Jones. The invocation was delivered by Councilman Harrison and the Pledge of Allegiance was led by Councilman Burka. The Honorable James M. Reishman, City Clerk, called the roll of members and it was found that there were present at the time:

**BURKA  
DAVIS  
EALY  
HOOVER  
LANE  
NICHOLS  
RICHARDSON  
SHEETS  
TALKINGTON  
MAYOR JONES**

**BURTON  
DENEALT  
HAAS  
KIRK  
MILLER  
PERSINGER  
RUSSELL  
SMITH**

**CLOUSER  
DODRILL  
HARRISON  
KNAUFF  
MINARDI  
REISHMAN  
SALISBURY  
SNODGRASS  
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***

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1. A claim of Raymond Barron, 312 50<sup>th</sup> Street, Charleston, WV; alleges damage to vehicle.  
Refer to City Solicitor.
2. A claim of Marjorie Cooper, 402 Cooper Hollow Road, Winifred, WV; alleges damage to vehicle.  
Refer to City Solicitor.
3. A claim of Charles & Helen Shelton, 510 Stockton St., Charleston, WV; alleges damage to property.  
Refer to City Solicitor.

### ***PUBLIC HEARING***

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The Mayor called the Public hearing for Bill Number 7633, an ordinance amending Sections of the city code, Chapter 111, increasing the rate of the municipal sales and use tax and creating the Uniform Pensions Reserve Fund, open for discussion. Two speakers came to speak AGAINST the bill. Nancy Ward, owner of the business Cornucopia, Charleston, WV, urged council to find other ways to get funding rather than on the backs of businesses in Charleston. Steve and Beth Pugh, owners of Pugh Furniture, Charleston, WV, also against the bill, stated that they were afraid that customers would venture to other surrounding cities to purchase goods. Mayor Jones stated that South Charleston is implementing a sales tax increase as well. No one else from the public spoke on the matter. The Mayor closed the Public Hearing.

**REPORTS OF COMMITTEES**

**COMMITTEE ON STREETS AND TRAFFIC**

Councilperson Joseph Deneault, Chairperson of the Council Committee on Streets and Traffic, submitted the following reports:

- 1. Your committee on Planning has had under consideration: Bill Number 7630, and reports the same to Council with the recommendation that the bill do pass, with the following amendments:

On line 1, add the words “on pavement” before “anytime”

On line 9, add the words “on pavement” before “anytime”

**Bill No. 7630** - A Bill to establish a No Parking Anytime Tow Away zone on the westerly side of Elmore Avenue between Preston Street and Claire 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.

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

**Section 1.** A No Parking Anytime Tow Away zone on the westerly side of Elmore Avenue between Preston Street and Claire Street is hereby established.

**Section 2.** 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, shall be and hereby are amended, to conform to this Ordinance.

**Section 3.** All prior Ordinances, inconsistent with this Ordinance are hereby repealed to the extent of said inconsistency.

Councilman Deneault 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, as follows:

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

With the majority of the votes in affirmative, the Mayor declared Bill No. 7630 confirmed, as amended.

2. Your committee on Streets and Traffic has had under consideration: Bill Number 7631, and reports the same to Council with the recommendation that the bill do pass.

**Bill No. 7631** - A Bill to establish a No Parking Tow Away zone on the Easterly side of Court Street between Lee Street and Quarrier Street from 6 AM to 6 PM 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.

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

**Section 1.** A No Parking Tow Away zone on the Easterly side of Court Street between Lee Street and Quarrier Street from 6 AM to 6 PM is hereby established.

**Section 2.** 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, shall be and hereby are amended, to conform to this Ordinance.

**Section 3.** All prior Ordinances, inconsistent with this Ordinance are hereby repealed to the extent of said inconsistency

Councilman Talkington requested a previous roll call vote. The mayor took a voice vote.

With the majority of the votes in affirmative, the Mayor declared Bill No. 7631 confirmed.

**COMMITTEE ON FINANCE**

Councilperson Robert Reishman, Chairperson of the Council Committee on Finance, submitted the following reports:

1. Your committee on Finance has had under consideration Resolution No. 498-14, and reports the same to Council with the recommendation that the resolution do pass.

**Resolution No. 498-14:** “Authorizing the Mayor or City Manager to submit a grant application to the Governor’s Highway Safety Program in the amount of \$774,000.00 to support overtime, equipment, and travel/training expenses for law enforcement agencies in the four county Metro Valley Highway Safety Program of Kanawha, Boone, Clay, and Logan counties.”

**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 submit a grant application to the Governor's Highway Safety Program in the amount of \$774,000.00 to support overtime, equipment, and travel/training expenses for law enforcement agencies in the four county Metro Valley Highway Safety Program 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 498-14 adopted.

2. Your committee on Finance has had under consideration Resolution No. 499-14, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No.: 499-14 -- A Resolution authorizing and directing the administration of the City of Charleston to submit the City's proposed amendment (Bill 7633) to its sales and use tax ordinance to the Municipal Home Rule Board for their approval consistent with W. Va. Code § 8-1-5a(b) and (i), and to take such further or additional action as may be required by the Municipal Home Rule Board or state law.

WHEREAS, on April 19, 2013, pursuant to the initial Municipal Home Rule Pilot Program under W. Va. Code § 8-1-5a (2007), the Municipal Home Rule Board approved an amendment to the City of Charleston Home Rule Plan authorizing the City of Charleston ("City") to enact a consumer sales tax and use tax without the limiting restrictions of W. Va. Code § 8-13C-1 et seq.; and

WHEREAS, on May 20, 2013, pursuant to W. Va. Code § 8-1-5a (2007), the City lawfully enacted its consumers sales and use tax by ordinance and designated a rate of one-half of one percent; and

WHEREAS, the City has determined that it is in the best interest of the City to increase the sales and use tax rate to one percent and create a dedicated fund for the proceeds from the additional one-half percent to help defray the mounting obligations for police and fire pensions; and

WHEREAS, based on analysis performed by the City (attached as Exhibit A hereto) on the estimated funds to be generated by the proposed one-half percent increase, the increase is estimated to fund the police and fire pension obligations for members who retire after the City's 2011 election of the conservation method through the year 2027, so that the City's general fund may continue to be used for necessary public services; and

WHEREAS, pursuant to the W. Va. Code § 8-1-5a (2013), as amended, ordinances enacted by the four participating municipalities in the initial Home Rule Pilot Program are authorized to remain in effect, but any amendment to an ordinance enacted under home rule authority must be approved by the Municipal Home Rule Board (W. Va. Code § 8-1-5a(b)) consistent with the procedures set forth in W. Va. Code § 8-1-5a(i); and

WHEREAS, on August 4, 2014, Bill Number 7633, a bill to amend the City's sales and use tax ordinance by increasing the rate by one-half percent and creating a dedicated fund for the revenue generated by the increase was introduced before the Charleston City Council; and

WHEREAS, in compliance with W. Va. Code § 8-1-5a(i), a Class II legal advertisement was published giving more than thirty (30) days notice of a Public Hearing on Bill 7633 to be held on September 15, 2014 (attached as Exhibit B hereto); and

WHEREAS, a copy of Bill 7633, along with a proposed amendment to the Bill, were made available for public inspection in the City Clerk's Office more than thirty (30) days prior to the public hearing; and

WHEREAS, a recording of the September 15, 2014, public hearing on Bill 7633 shall be submitted to the Municipal Home Rule Board; and

WHEREAS, the City Attorney has reviewed W. Va. Code § 8-1-5a, Bill 7633, along with a proposed amendment thereto, and other documents deemed necessary and has opined in a letter to City Council that the City has complied with the statutory requirements necessary for Bill 7633 to be submitted to the Municipal Home Rule Board for approval (letter attached hereto as Exhibit C);

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHARLESTON THAT:

The administration of the City of Charleston is hereby authorized and directed to submit the City's proposed Bill 7633, and any amendments thereto, amending its sales and use tax ordinance, along with this Resolution and attachments hereto, to the Municipal Home Rule Board for their approval consistent with W. Va. Code § 8-1-5a(b) & (i), and to take such further or additional action as may be required by the Municipal Home Rule Board or state law.

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 499-14 adopted. (NAY: Sheets)

3. Your committee on Finance has had under consideration Bill No. 7634, and reports the same to Council with the recommendation that the bill do pass.

Bill No. 7634 - Authorizing and directing the Mayor to enter in to a Housing Consortium Cooperation Agreement between The City of Charleston, The Kanawha County Commission, The Town of Belle, The Town of Cedar Grove, The Town of Clendenin, the Town of Marmet, the City of Nitro, the Town of Pratt, the City of St. Albans, the City of Dunbar and the City of South Charleston to renew the Charleston/Kanawha County Housing Consortium for fiscal years 2015, 2016, 2017.

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

That the Mayor is hereby authorized and directed to enter in to a Housing Consortium Agreement between the City of Charleston, the Kanawha County Commission, the Town of Belle, the Town of Cedar Grove, the Town of Clendenin, the Town of Marmet, the City of Nitro, the Town of Pratt, the City of St. Albans, the City of Dunbar and the City of South Charleston to renew the Charleston/Kanawha County Housing Consortium for fiscal years 2015, 2016, 2017.

Councilman Talkington requested a previous roll call vote. The mayor took a voice vote.

With the majority of the votes in affirmative, the Mayor declared Bill No. 7631 confirmed.

### **REPORTS OF OFFICERS**

1. Report of the City of Charleston, Municipal Court Financial Statements; August 2014.  
*Received and Filed.*
2. Report of the City of Charleston Payroll Variance Analysis; July 2014.  
*Received and Filed.*
3. Report of the City of Charleston Payroll Variance Analysis; August 2014.  
*Received and Filed.*
4. City Treasurer's Report to City Council Month Ending August 2014.  
*Received and Filed.*

**ADJOURNMENT**

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

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

ABSENT: Ware

At 7:20 p.m., by a motion from Councilmember Harrison, Council adjourned until Monday, October 6, 2014, at 7:00 p.m., in the Council Chamber in City Hall.

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Danny Jones, Honorable Mayor

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James M. Reishman, City Clerk