

**JOURNAL  
OF THE  
COUNCIL  
CITY OF CHARLESTON  
WEST VIRGINIA**

**February 2, 2009**

**THE COUNCIL MET IN CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE FIRST MEETING IN THE MONTH OF FEBRUARY ON THE 2<sup>nd</sup> DAY, IN THE YEAR 2009, 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 DAVIS.**

**BURTON  
DEITZLER  
HANNA  
  
KNAUFF  
MILLER  
REISHMAN  
SHEETS  
WARE  
MAYOR JONES**

**EALY  
HARRIS  
JONES  
LANE  
PAYNE  
RUSSELL  
SMITH**

**DAVIS  
HALL  
HARRISON  
KIRK  
LANHAM  
REED  
SALISBURY  
TALKINGTON  
WHITE**

**TWENTY- FIVE 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. Jamie Jeffery

### **CLAIMS**

1. A claim of Margaret Rogers, 706 Colony Dr., Charleston, WV; alleges damage to vehicle.

Refer to City Solicitor

2. A claim of Verna Black, 144 Wilson Way, Charleston, WV; alleges personal injury.

Refer to City Solicitor

3. A claim of Cynthia Evans, 2510 Kanawha Blvd., East, Charleston, WV; alleges damage to property.

Refer to City Solicitor

### **COMMUNICATIONS**

*The Clerk read the Resolution:*

Resolution No. 512-09

Introduced in Council

February 2, 2009

Susie Salisbury and Mary Jean Davis

**WHEREAS:** On February 3, 2009, CAMC Health Education and Research Institute, Inc. (CAMC Institute), will submit an initial brief grant proposal on behalf of the Kanawha County Coalition for Community Health Improvement (Kanawha Coalition) requesting funds from the Robert Wood Johnson Foundation to support a four-year initiative titled Charleston Healthy Kids, Health Communities Program (Charleston HKHC); and

**WHEREAS:** The Robert Wood Johnson (RWJ) HK/HC Program is a national initiative to implement healthy eating and active living activities aimed at providing healthier communities for children and families across the United States; and

**WHEREAS:** The Kanawha Coalition's mission is to identify and evaluate health risks and coordinate resources to improve measurably the health of people in Kanawha County; and

**WHEREAS:** CAMC Institute will provide administrative and management support and the Kanawha Coalition will be responsible for the overall development and implementation of the Charleston HKHC; and

**WHEREAS:** This program places special emphasis on reaching children who are at

highest risk for obesity on the basis of race/ethnicity, income and/or geographic location, and the RWJ Foundation plans to award 60 grants for a total award at each site of not more than \$360,000 not to exceed \$90,000 per year over a 4-year periods; and

**WHEREAS:** If the grant is awarded, Charleston would be the targeted geographical “community” for the Charleston Health Kids Healthy Communities (HKHC) Program application with plans to expand the program to serve Kanawha County during the four-year project; and

**WHEREAS:** All together, 31 individuals – including City Council members – representing 16 state and local groups are participating in this effort, which includes the following organizations: the Mayor’s Office of Economic and Community Development, City of Charleston Parks and Recreation Department, Charleston Area Alliance, West Virginia State University Extension Service, WVU Extension Service, Charleston Land Trust and Greenways Committee, Charleston YMCA, West Virginia Development Office, Salvation Army’s Boys and Girls Club, CAMC Family Resource Center, Partnership of African American churches, West Virginia Healthy Kids and Family Coalition, Wellness Council of West Virginia, West Virginia Dairy Council, Valley Health – WIC, and West Virginia Alliance of YMCAs; and

**WHEREAS:** The group working on the grant proposal recognizes the need to fully assess a number of issues and current practices surrounding healthy eating and physical activities activity to include everything from using existing resources and organizations to creating new opportunities to create a safer, healthier environment that would be conducive to healthier lifestyles within the targeted community; and

**WHEREAS:** An emphasis will be placed on strategies that will decrease childhood obesity by providing greater access to healthy foods and opportunities for increased physical activity for children and families.

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

That the elected leadership of the City of Charleston endorses the community-wide effort to have our city included in the Robert Woods Johnson Foundation’s Healthy Kids/Healthy Communities grant program through the Charleston Healthy Kids/Healthy Communities proposal.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 512-09, adopted.

**FINANCE**

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

1. Your Committee on Finance has had under consideration Resolution No 506-09, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 506-09: “Authorizing the Mayor to sign a Recreational Trails Program Grant Application with the West Virginia Department of Transportation, Division of Highways, in the amount of \$76,500, for the Kanawha Trestle Trail project.”

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

That the Mayor is hereby authorized and directed to sign a Recreational Trails Program Grant Application with the West Virginia Department of Transportation, Division of Highways, in the amount of \$76,500, for the Kanawha Trestle Trail project.

The question being on the passage of the Resolution a roll call was taken and there were; yeas-25, absent - 3, as follows:

YEAS: Burton, Davis, Ealy, Hanna, Harris, Harrison, Jones, Kirk, Knauff, Lane, Lanham, Miller, Payne, Reed, Reishman, Russell, Salisbury, Sheets, Smith, Talkington, Ware, White, Mayor Jones.

ABSENT: Clowser, Higgins, Weintraub

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 506-09, adopted.

2. Your Committee on Finance has had under consideration Resolution No 507-09, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 507-09: “Authorizing the Mayor to sign and submit FY 2009 Community Participation Program Grant Information Sheets (09LEDA0265) and all related documents for the REA of Hope Fellowship Home, Inc., located at 1429 Lee Street, East, in the amount of \$2,000.”

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 FY 2009 Community Participation Program Grant Information Sheets (09LEDA0265) and all related documents for the REA of Hope Fellowship Home, Inc., located at 1429 Lee Street, East, in the amount of \$2,000.

The question being on the passage of the Resolution a roll call was taken and there were; yeas-25, absent - 3, as follows:

YEAS: Burton, Davis, Ealy, Hanna, Harris, Harrison, Jones, Kirk, Knauff, Lane, Lanham,

Miller, Payne, Reed, Reishman, Russell, Salisbury, Sheets, Smith, Talkington, Ware, White, Mayor Jones.

ABSENT: Clowser, Higgins, Weintraub

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 507-09, adopted.

3. Your Committee on Finance has had under consideration Resolution No 508-09, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 508-09: "Authorizing the Mayor to sign an amended contract for the 2000 Project Safe Neighborhood grant. The original contract was approved by Council on July 7, 2008, for an amount of \$43,206. The amount has been reduced from \$43,206 to \$32,229. The grant will be used to fund overtime for gang investigations and to purchase a covert wire transmitter."

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

That the Mayor is hereby authorized and directed to sign an amended contract for the 2000 Project Safe Neighborhood grant. The original contract was approved by Council on July 7, 2008, for an amount of \$43,206. The amount has been reduced from \$43,206 to \$32,229. The grant will be used to fund overtime for gang investigations and to purchase a covert wire transmitter.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 508-09, adopted.

4. Your Committee on Finance has had under consideration Resolution No 509-09, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 509-09: "Authorizing the Mayor to receive and administer grant funds from the U.S. Department of Justice, Office for Victims of Crime, in an amount up to \$5,000. The funds will be used to raise community awareness during the National Crime Victim's Rights Week, April 26<sup>th</sup> to May 2, 2009."

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 grant funds from the U.S. Department of Justice, Office for Victims of Crime, in an amount up to \$5,000. The funds will be used to raise community awareness during the National Crime Victim's Rights Week, April 26<sup>th</sup> to May 2, 2009.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 509-09, adopted.

5. Your Committee on Finance has had under consideration Resolution No 510-09, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 510-09: “Authorizing the Mayor to sign Change Order No. 1 with Michael Baker, Jr., Inc., for Engineering Consulting Services for the City of Charleston’s Bridge Infrastructure Project, Phase 2, in the amount of \$4,925. The change order provides for a non-destructive deck delamination survey, preparation of a delamination delineation plan, and contractor bid review and proposed cost recommendation for the South Side Bridge, for an increase in the contract price from \$294,822 to \$299,747.”

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 Michael Baker, Jr., Inc., for Engineering Consulting Services for the City of Charleston’s Bridge Infrastructure Project, Phase 2, in the amount of \$4,925. The change order provides for a non-destructive deck delamination survey, preparation of a delamination delineation plan, and contractor bid review and proposed cost recommendation for the South Side Bridge, for an increase in the contract price from \$294,822 to \$299,747.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 510-09, adopted.

6. Your Committee on Finance has had under consideration Resolution No 511-09, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 511-09: “Authorizing the Mayor to execute a Land Use Covenant in relation to the Charleston Sanitary Board and the West Virginia Department of Environmental Protection pursuant to the Voluntary Remediation and Redevelopment Act and property located at Copenhaver Park.”

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

That the Mayor is hereby authorized and directed to execute a Land Use Covenant in relation to the Charleston Sanitary Board and the West Virginia Department of Environmental Protection pursuant to the Voluntary Remediation and Redevelopment Act and property located at Copenhaver Park.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 511-09, adopted.

7. Your committee on Finance has had under consideration a bid submitted by Ills, Inc., in the amount of \$26,985.45, for purchase of computer monitor (\$269.60); fifteen (15) laptop computers (\$19,621.20); and five (5) desktop computers (\$7,094.65). The monitor and five desktop computers will be assigned to the Charleston Police

Department. The 15 laptop computers will be assigned to law enforcement agencies in Kanawha, Boone, Logan, and Clay counties.

To be charged to the following accounts:

\$ 7,364.25 - 095-175-00-009-4-459, Police—2009 Safe Community Grant F09HS-08  
\$19,621.20 – 9850175-00-009-3-341, Police—2009 Safe Community Grant F09HS-08,  
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.

8. Your committee on Finance has had under consideration a payment of an invoice from Charleston Newspapers, in the amount of \$25,992.12, for publication of the City's Financial Statement in The Charleston Gazette on December 19, 2008, for fiscal year ending June 30, 2008. To be charged to Account No. 001-412-00-000-2-220, City Manager—Advertising /Legal Publications, 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. Harrison – No.

### **REPORTS OF OFFICERS**

1. City Treasurer's Report to City Council Month Ending December 2008.  
Received and Filed.

### **NEW BILLS**

Introduced by Council Member Harry Deitzler on February 2, 2009:  
Bill No. 7375 - A Bill to repeal Section 78-212, as amended, of the Code of the City of Charleston, and to reenact Section 78-212, and to amend Section 78-9, and Section 114-819 of the Code of the City of Charleston, all relating to noise in the City of Charleston.  
Refer to Ordinance and Rules Committee.

**ROLL CALL**

The Clerk called the roll and the following members were in attendance:

YEAS: Burton, Davis, Ealy, Hanna, Harris, Harrison, Jones, Kirk, Knauff, Lane, Lanham, Miller, Payne, Reed, Reishman, Russell, Salisbury, Sheets, Smith, Talkington, Ware, White, Mayor Jones.

ABSENT: Clowser, Higgins, Weintraub

At 7:30 p.m., by a motion from Councilmember Harrison, Council adjourned until Tuesday, February 17, 2009, at 7:00 p.m.

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Danny Jones, Honorable Mayor

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James M. Reishman, City Clerk