

**JOURNAL
OF THE
COUNCIL
CITY OF CHARLESTON**

WEST VIRGINIA

JANUARY 2, 2007

THE COUNCIL MET IN CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE FIRST MEETING IN THE MONTH OF JANUARY ON THE 2nd DAY, IN THE YEAR 2007, AND WAS CALLED TO ORDER BY THE HONORABLE MAYOR, DANNY JONES. THE INVOCATION WAS DELIVERED BY DEITZLER, AND THE PLEDGE OF ALLEGIANCE WAS LED BY TALKINGTON.

**CHESTNUT
DEITZLER
HANNA
HIGGINS
LANHAM
MILLER
NIELSEN

WARE
MAYOR JONES**

**CLOWSER
EALY
HARRIS
JONES
LANE
MONROE
REED
SADD
WEINTRAUB**

**DAVIS
HALL
HARRISON
LOEB
MORTON
MARKHAM

TALKINGTON
WHITE**

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 Dan Ameli, 1113 S. Homewood Dr., Charleston, WV; alleges damage to property.
Refer to City Solicitor.

COMMUNICATIONS

The Clerk read the Appointment:

TO: JAMES REISHMAN
CITY CLERK

FROM: DANNY JONES
MAYOR

RE: MUNICIPAL PLANNING COMMISSION

DATE: JANUARY 2, 2007

I recommend that Chad Robinson, 2210 Washington Street East, Charleston, WV 25311, be appointed to the Municipal Planning Commission, with a said term to expire July 1, 2008. He is replacing David Thalheimer.

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

Council approved the Appointment

REPORTS OF STANDING COMMITTEES

FINANCE

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

- 1. Your Committee on Finance has had under consideration Resolution No. 150-07, and reports the same to Council with the recommendation that the committee report be

adopted.

Resolution No. 150-07: “Fixing the compensation of election officials for the City of Charleston Primary Election on the 6th day of March 2007.”

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

1. Pursuant to WV Code 3-1-44b, that each commission of election and each poll clerk be paid the sum of One Hundred Forty Dollars (\$140.00) for his/her services such as commissioner and clerk of the election, and an additional sum of Fifty Dollars (\$50.00) for his/her attendance at election schools of instruction for election officials. That each commissioner of election designated to attend at the Kanawha County Voter’s Registration Office to receive election supplies from the City Clerk of the City of Charleston and deliver the returns of said election to be paid an additional sum of Seventy Dollars (\$70.00) for his/her services and 44.5 cents per mile. That each commissioner of the opposite party who travels with the commissioner returning the supplies be paid an additional sum of Twenty Dollars (\$20.00) for his/her services.

2. Pursuant to WV Code 3-1-44a, that one Democrat and one Republican Ballot Commissioner be paid the sum of Fifty Dollars (\$50.00) for his/her services, not to exceed One Hundred Twenty-five Dollars (\$125.00) per day, but in no case may the ballot commissioner receive allowance for more than ten (10) days for any election.

3. Pursuant to WV Code 3-1-44b, that one Democrat and one Republican Emergency Absentee Ballot Commissioner be paid the additional sum of Twenty-five Dollars (\$25.00) for his/her services, and not to exceed One Hundred Twenty-five Dollars (\$125.00) per day for his/her services.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 150-07 adopted.

2. Your Committee on Finance has had under consideration Resolution No. 151-07, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 151-07 : “Authorizing the Finance Director to amend the 2006-2007 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 the 2006-2007 General Fund budget as indicated on the attached list of accounts; and be it

FURTHER RESOLVED, that this budgetary amendment is being made prior to the expenditure or obligation of funds for which no appropriation or insufficient appropriation

currently exists.

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

YEAS: Chestnut, Clowser, Davis, Deitzler, Ealy, Hall, Higgins, Hanna, Harris, Harrison, Jones, Lane, Lanham, Loeb, Markham, Miller, Monroe, Morton, Nielsen, Reed, Reishman, Talkington, Ware, Weintraub, White, Mayor Jones.

ABSENT: Robertson, Sadd

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No.151-07, adopted.

3. Your Committee on Finance has had under consideration Resolution No. 152-07, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 152-07: “Authorizing the Finance Director to amend the 2005 and 2006 Community Development Block Grant budgets as indicated on the attached list of accounts. This is contingent upon no adverse citizen comments received during the 30-day comment period.”

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 2005 and 2006 Community Development Block Grant budgets as indicated on the attached list of accounts. This is contingent upon no adverse citizen comments received during the 30-day comment period.

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

YEAS: Chestnut, Clowser, Davis, Deitzler, Ealy, Hall, Higgins, Hanna, Harris, Harrison, Jones, Lane, Lanham, Loeb, Markham, Miller, Monroe, Morton, Nielsen, Reed, Reishman, Talkington, Ware, Weintraub, White, Mayor Jones.

ABSENT: Robertson, Sadd

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No.152-07, adopted.

4. Your Committee on Finance has had under consideration Resolution No. 153-07, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 153-07: “Authorizing the Mayor to sign the TEA-21 application for the CSX Trestle Project”

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

That the Mayor is hereby authorized and directed to sign the TEA-21 application for the CSX Trestle Project.

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

YEAS: Chestnut, Clowser, Davis, Deitzler, Ealy, Hall, Higgins, Hanna, Harris, Harrison, Jones, Lane, Lanham, Loeb, Markham, Miller, Monroe, Morton, Nielsen, Reed, Reishman, Talkington, Ware, Weintraub, White, Mayor Jones.

ABSENT: Robertson, Sadd

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No.153-07, adopted.

5. Your committee on Finance has had under consideration a bid submitted by Red Hot Fire Equipment for purchase of Hydraulic Rescue Tools to be used by the Charleston Fire Department. The tools will be purchased at the prices listed on the attached tabulation sheet. To be charged to Account No. 001-976-00-706-4-458, Fire—Capital Outlay, Equipment, and reports the same to Council with the recommendation that the Committee Report be adopted.

The question being on the adoption of the committee report a vote was taken. There being no dissent the Mayor declared the committee report adopted.

6. Your Committee on Finance has had under consideration Bill No. 7243, as amended and reports the same to Council with the recommendation that the committee report be adopted.

Bill No. 7243, as amended - - A Bill and order determining the necessity for continuance of additional levies for the fiscal years beginning July 1, 2007, July 1, 2008, July 1, 2009, and July 1, 2010, for current general governmental expenses, and providing for submission to the voters within the City of Charleston of the question of a continuance of the additional levy at the primary election to be held on March 6, 2007.

Providing for the continuance of the levy rate, providing for publication of notice of the election to authorize the additional levy; providing for application of the primary election laws to such primary election, authorizing the City Clerk to furnish election officials with proper election supplies and make publication of this ordinance, delivery of this ordinance to the Ballot Commissioners and the printing of the ballots; providing the form of the official ballot; providing for the use of electronic voting devices; providing for the voting precincts and determining those entitled to vote; authorizing the City Clerk to prepare for Council's approval a list of persons to serve as Commissioner and Clerk; and providing for three members of Council of the City of Charleston to be appointed as a Select Committee to perform all necessary functions including, but not limited to, a canvass of the votes cast in the election.

WHEREAS, after full information and consideration thereof , the Council of the City of

Charleston, West Virginia, is of the opinion and finds that the maximum levies for current expenses for the general fund purposes of said City authorized to be laid by the provisions of Section 14, Chapter 11, Article 8 of the Code of West Virginia, 1931, as amended, will not provide sufficient funds for the four fiscal years which begin, respectively, on the first day of July 2007, 2008, 2009, 2010, and to cover expenditures properly payable from said funds, including expenditures for the purpose hereinafter set out, and having ascertained that the amounts hereinafter shown, in excess of the amount raised by regular levies, will be needed by the said City of Charleston during each of said four fiscal years for the purpose as follows, and that such levies constitute a continuance of the additional levies heretofore provided for the years beginning respectively on the first day of July 2007, 2008, 2009, and 2010, and that an election should be held pursuant to the provisions of Section 16 and 17 of Article 8, Chapter 11 of the Code of West Virginia, 1931, as amended, therefore,

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

(1) The purpose for which additional funds are needed by said City for each of the four fiscal years beginning July 1, 2007, July 1, 2008, July 1, 2009, and July 1, 2010, are current, general governmental expenses.

(2) The amounts considered necessary for each of said purposes for each fiscal year beginning on the date indicated are as follows:

July 1, 2007

For current, general governmental expenses	\$3,919,206
TOTAL EXPENDITURES	\$3,919,206
Allowance for delinquent taxes and shrinkage (7.75%)	\$ 313,655
TOTAL AMOUNT OF ADDITIONAL LEVY	\$4,232,861

July 1, 2008

For current, general governmental expenses	\$3,919,206
TOTAL EXPENDITURES	\$3,919,206
Allowance for delinquent taxes and shrinkage (7.75%)	\$ 313,655
TOTAL AMOUNT OF ADDITIONAL LEVY	\$4,232,861

July 1, 2009

For current, general governmental expenses	\$3,919,206
TOTAL EXPENDITURES	\$3,919,206
Allowance for delinquent taxes and shrinkage (7.75%)	\$ 313,655
TOTAL AMOUNT OF ADDITIONAL LEVY	\$4,232,861

July 1, 2010

For current, general governmental expenses	\$3,919,206
TOTAL EXPENDITURES	\$3,919,206
Allowance for delinquent taxes and shrinkage (7.75%)	\$ 313,655
TOTAL AMOUNT OF ADDITIONAL LEVY	\$4,232,861

(3) The total amount necessary to carry out the above purposes for each year, after making reasonable allowance for uncollected taxes and shrinkage as above set forth is \$3,919,206.

(4) The separate and aggregate assessed valuation in each class of taxable property within the said City of Charleston is as follows:

Class I	\$ 58,833
Class II	\$ 1,038,435,168
Class III	\$ - 0-
Class IV	\$1,584,575,249
Aggregate	\$2,623,069,250

(5a) The proposed additional rate of levy in cents per \$100 assessed valuation on each class of property within the said City of Charleston for the fiscal years beginning July 1, 2007, July 1, 2008, July 1, 2009, and July 1, 2010, is as follows:

Class I	\$ 5.03 cents/\$100
Class II	\$10.06 cents/\$100
Class IV	\$20.12 cents/\$100

(5b) Provided that in the event the separate and aggregate assessed evaluations of each class of taxable property within the City of Charleston increases during the term of the special levy, the levy rate may be adjusted so that the projected gross tax revenue will not exceed 95% of the previous years projected gross tax revenue. An increase in the aggregate assessed valuation of each class of taxable property due to new construction or improvements to existing real property, including beginning recovery of natural resources and newly acquired personal property shall not be included in calculating the new tax levy for the purposes of this section.

(6) The years which the additional levies shall apply if authorized by the votes, are the fiscal years beginning July 1, 2007, July 1, 2008, July 1, 2009, and July 1, 2010.

(7) The Council of the City of Charleston declares that it will not issue bonds under the provisions of Section 16, Article 8, Chapter 11, of the West Virginia Code of 1931, as amended,

on approval of the voters of the proposed additional levy.

(8) The Council of the City of Charleston finds that additional levies were heretofore authorized by the voters of the City of Charleston and have been in effect for the fiscal years beginning July 1, 2003, July 1, 2004, and July 1, 2005, and July 1, 2006 and that the additional levies proposed by this ordinance constitute as continuation of such additional levies for the fiscal years beginning July 1, 2007, July 1, 2008, July 1, 2009, and July 1, 2010.

(9) The question of such additional levies shall be submitted to the voters within the City of Charleston, West Virginia, at the primary election to be held in said City on the 6th day of March 2007.

(10) Notice of the election to authorize the additional levy shall be given by publication of this ordinance and order at least once each week for two successive weeks, both publications to occur within fourteen (14) consecutive days, next preceding the date of the election, in the Charleston Gazette and the Charleston Daily Mail, two newspapers of the general circulation but of different politics published in the City of Charleston, West Virginia.

(11) All provisions of the laws concerning primary elections shall apply so far as they are applicable to the holding of said election and the ascertainment of the results thereof except that the number of election officials necessary to properly conduct such election is hereby determined to be three commissioners and two clerks. The City Clerk is hereby authorized and directed to acquire and furnish officials with proper election supplies including but not limited to, ballots, poll books and tally sheets, make publication of this ordinance and order and of the ballot, and to do any and all things necessary and proper attendant to said primary election, including but not limited to, the performance of primary election duties imposed by law upon Clerks of the Circuit Courts in relation to primary elections, and shall furnish and deliver a certified copy of this ordinance and order to the Ballot Commissioners of the County of Kanawha, who shall take the same and provide for the printing of ballots, in accordance with the provisions of law, as made and provided, and with the provisions of this ordinance and order.

(12) That portion of the ballot to be used in said election to authorize the additional levy shall be in the form substantially as follows:

“An Election to authorize the continuation of additional levies for the years beginning July 1, 2007, July 1, 2008, July 1, 2009, and July 1, 2010, for the purpose of providing additional funds annually during such years for current, general governmental expenses according to the order and ordinance of the Council of the City of Charleston passed and adopted at its meeting on the 2nd day of January, 2007.”

“The additional levies shall be on Class I property 5.03 cents; and on Class II property 10.06 cents; and on Class IV property 20.12 cents; all per \$100 assessed valuation.”

“Provided that in the event the separate and aggregate assessed valuations of each class of taxable property within the City of Charleston increases during the term of the special levy, the levy rate may be adjusted so that the projected gross tax will not exceed 95% of the previous years projected gross tax revenue. An increase in the aggregate assessed valuation of each class

of taxable property due to new construction or improvements to existing real property, including beginning recovery of natural resources, and newly acquired personal property shall not be included in calculating the new tax levy for purposes of this section.”

_____ FOR THE LEVIES

_____ AGAINST THE LEVIES

INSTRUCTION TO THE VOTER: Those favoring and wishing to vote for the proposed continuance of additional levies shall fill in the oval before “FOR THE LEVIES”, those opposing and wish to vote against the proposed continuance of additional levies shall fill in the oval before “AGAINST THE LEVIES.”

(13) Electronic voting devices shall be used in said special election. The City Clerk is hereby authorized and directed to arrange for the rental of a sufficient number of electronic devices for each voting precinct from the County Commission of Kanawha County, West Virginia, and make sure other arrangements as are necessary incident to the use thereof.

(14) The voting precincts within the City of Charleston as now existing and as established by the County Commission of Kanawha County, West Virginia, shall be and the same are hereby designated as the voting precincts for such election and the registration of voters and the use of registration law of the State, and the City of Charleston hereby adopts the registration list of Kanawha County as to precincts and as to persons within the limits of the City of Charleston entitled to vote, as amended and corrected according to law as the official registration list of said City of Charleston to be used as such election on the said 6th day of March, and all persons who would be qualified to vote at the primary election, shall be qualified to vote for or against said additional levies as the said election.

(15) The City Clerk is authorized and directed to prepare for the Council’s approval of a list of persons to serve as commissioners and clerks for the various precincts in the City of Charleston to hold and conduct the said election on

(16) The Select Committee of Council of the City of Charleston shall convene as a Board of Canvassers of said election at the Kanawha County Voters Registrar’s Office in said City at 10 a.m. on the 9th day of March 2007, to canvass the returns of the election. The Council of the City of Charleston shall convene at its regular meeting to be held in the Council Chambers of the City Hall in said City at 7:00 p.m. on 19th day of March 2007, to certify the returns of said election, as required by law.

The question being on the passage of the Bill as amended, a roll call was taken and there were; yeas-26, absent – 2, as follows:

YEAS: Chestnut, Clowser, Davis, Deitzler, Ealy, Hall, Higgins, Hanna, Harris, Harrison, Jones, Lane, Lanham, Loeb, Markham, Miller, Monroe, Morton, Nielsen, Reed, Reishman, Talkington, Ware, Weintraub, White, Mayor Jones.

ABSENT: Robertson, Sadd

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7243, as amended, passed.

REPORTS OF OFFICERS

None

NEW BILLS

None

ROLL CALL

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

YEAS: Chestnut, Clowser, Davis, Deitzler, Ealy, Hall, Higgins, Hanna, Harris, Harrison, Jones, Lane, Lanham, Loeb, Markham, Miller, Monroe, Morton, Nielsen, Reed, Reishman, Talkington, Ware, Weintraub, White, Mayor Jones.

ABSENT: Robertson, Sadd

At 7:15 p.m., on motion of Councilmember Loeb, Council adjourned until Tuesday, January 16, 2007, at 7:00 p.m.

Danny Jones, Honorable Mayor

James M. Reishman, City Clerk