

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

DECEMBER 3, 2007

THE COUNCIL MET IN CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE FIRST MEETING IN THE MONTH OF DECEMBER ON THE 3RD DAY, IN THE YEAR 2007, AND WAS CALLED TO ORDER BY THE HONORABLE MAYOR, DANNY JONES. THE INVOCATION WAS DELIVERED BY EALY AND THE PLEDGE OF ALLEGIANCE WAS LED BY WHITE.

**BURTON
DEITZLER
HANNA
HIGGINS
KNAUFF
MILLER
REISHMAN
SHEETS**

**EALY
HARRIS
JONES
LANE
PAYNE
RUSSELL
SMITH
WEINTRAUB**

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

MAYOR JONES

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. Delegate Danny Wells- Grant Presentation
2. Delegate Bobbi Hatfield – Grant Presentation
3. Delegate Nancy Guthrie – Grant Presentation
4. Dan Lautner – Home Rule Bill

CLAIMS

1. A claim of Ora A Hutchinson, 11405 So. 57th Avenue, Papillion, NE; alleges personal injury.
Refer to City Solicitor.
2. A claim of Barbara A. Hutchinson., 705 Hansford Street, St. Albans, WV; alleges damage to vehicle.
Refer to City Solicitor.
3. A claim of Racia Lee Harless, 108 Valley Bend Drive, Scott Depot, WV; alleges personal injury.
Refer to City Solicitor.

COMMUNICATIONS

1. Mayor Jones presented a plaque to Michael Lipton in honor of his pursuit of the West Virginia Music Hall of Fame.

December 3, 2007

The Honorable Ivan Saktor
Mayor's Office
ČSA 26, 974 01 Banská Bystrica
Slovak Republic, Europe

Dear Mayor Saktor,

I am pleased to offer greetings from Charleston, West Virginia's capital city, and thank you for how your city has made many of our residents feel welcome when they have visited your community. From your letter, what Chuck Daugherty has told me, and what I have read about Banská Bystrica, our cities have many similarities: an economic history based in mining and industry, presence of major regional health care providers and location within a mountainous area that increasingly focuses on tourism.

The City of Charleston has no current, active Sister City relationships, so the implications of the program are relatively new to my administration and City Council. Meanwhile, in addition to

the connections that some private citizens have made with your city, the Governor of West Virginia has expressed an interest in having our City explore a similar relationship with the capital city of Calabria, Italy, as our state seeks to establish an international connection with that region of southwestern Italy.

Because of these developments and expressions of interest, I have asked to two of our City Council members, Kasey Russell and Cubert Smith, to lead our city's exploration of Sister City relationships. Councilman Smith has already had conversations with Mr. Daugherty and others about Banská Bystrica and seems interested in exploring the possibilities and examining more deeply the potential benefits and costs of establishing more formal ties between our two cities.

Certainly the existing private sector connections between our two cities provide a foundation on which a more formalized relationship might be built. Indeed, I have learned that dedicated leadership and active involvement from people who feel passionately about a cause are crucial elements for any mission to succeed. Chuck and Christine Daugherty have been following their passions for this cause and have generated enthusiasm for it among many of their friends. In the coming months, I shall work with our Council Members to see where this might lead.

Thank you for your letter and interest in our City. If you ever want to see Charleston for yourself and explore all the wonderful things that our City of Charleston has to offer, I would be pleased to welcome you.

Sincerely,

Danny Jones
Mayor

FINANCE

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

1. Your Committee on Finance has had under consideration proposal submitted by Duncan Parking Technologies, in the amount of \$19,946, for purchase of 60 parking meters to be installed by the Parking System at various locations throughout the City. To be charged to Account No. 406-571-00-000-4-459, Parking System—Capital Outlay, Equipment

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the committee report, adopted.

2. Your Committee on Finance has had under consideration: proposal submitted by Capitol Business Interiors, in the amount of \$19,962.52, for purchase of furnishings for City Attorney offices located on the 4th floor of City Hall. To be charged to Account No. 220-975-50-000-4-458, General Facilities_MaintenanceFund—Major Improvements

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the committee report, adopted.

3. Your Committee on Finance has had under consideration Resolution No. 306-07, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 306-07: “Authorizing the Mayor to enter into an agreement, a copy of which is attached hereto, with the Hooten & Wesley Tiskelwah Center, Inc., a nonprofit corporation offering services to low and moderate income individuals and families in the City of Charleston, to construct an elevator shaft, and contract for the purchase and installation of an elevator at the Tiskelwah Center in accordance with the City Council approved Annual Action Plan for U.S. Department of Housing and Urban Development Community Development Block Grant funding and the attached Agreement. The City will use up to \$100,000 aggregate amount comprised of \$20,000 from Budget Digest Grant #04CPGP0048, \$20,000 from Budget Digest Grant #05LEDA0284 and \$60,000 from 2004 CDBG Budget.”

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, a copy of which is attached hereto, with the Hooten & Wesley Tiskelwah Center, Inc., a nonprofit corporation offering services to low and moderate income individuals and families in the City of Charleston, to construct an elevator shaft, and contract for the purchase and installation of an elevator at the Tiskelwah Center in accordance with the City Council approved Annual Action Plan for U.S. Department of Housing and Urban Development Community Development Block Grant funding and the attached Agreement. The City will use up to \$100,000 aggregate amount comprised of \$20,000 from Budget Digest Grant #04CPGP0048, \$20,000 from Budget Digest Grant #05LEDA0284 and \$60,000 from 2004 CDBG Budget.

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

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

ABSENT: Clowser, Ware. ABSTAIN: Ealy.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 306-07, adopted.

4. Your Committee on Finance has had under consideration Resolution No. 307-07, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 307-07 : “Authorizing the Mayor to sign nine (9) contracts between the City of Charleston and the West Virginia Development Office for the following FY 2007 Community Participation Grants:

Charleston Public Safety Council (#07LEDA0157) in the amount of **\$2,750** for supplies needed to promote safety through cooperative programs with the Charleston Police Department and community volunteers.

Hope Community/Workforce Development Center (#07LEDA0162) in the amount of **\$7,000** for computers and related software.

City of Charleston Parks & Recreation Department/CURA/East End Community Association (#07LEDA0160) in the amount of **\$5,000** for the development of a Community Park on the East End.

Pro-Kids Inc. (#07LEDA0163) in the amount of **\$5,000** for educational supplies and furnishings for the after school program.

Charleston Black Ministerial Alliance (#07LEDA0155) in the amount of **\$5,000** for books and audio-visual equipment for its At-Risk Prevention and Education Center.

Boys & Girls Club of Charleston (#07LEDA0154) in the amount of **\$1,750** for sports and outdoor fitness equipment.

Covenant House (#07CPGP0034) in the amount of **\$7,000** for equipment and repairs.

Covenant House (#07LEDA0158) in the amount of **\$5,000** for equipment and repairs.

West Side Neighborhood Association (#07LEDA0166) in the amount of **\$9,000** for Florida Street Streetscape and the Kanawha Trestle Rail to Trail projects.

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

That the Mayor is hereby authorized and directed to sign nine (9) contracts between the City of Charleston and the West Virginia Development Office for the following FY 2007 Community Participation Grants:

Charleston Public Safety Council (#07LEDA0157) in the amount of **\$2,750** for supplies needed to promote safety through cooperative programs with the Charleston Police Department and community volunteers.

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West Side Neighborhood Association (#07LEDA0166) in the amount of \$9,000 for Florida Street Streetscape and the Kanawha Trestle Rail to Trail projects.

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

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

ABSENT: Clowser, Ware. ABTAIN: Weintraub

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 307-07, adopted.

4. Your Committee on Finance has had under consideration Resolution No. 308-07, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 308-07: "Authorizing the Mayor to submit an Intent-to-Apply Letter to the National Park Service Rivers and Trails program, requesting a grant in the amount of \$100,000 to establish a Groundwork Trust."

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

That the Mayor is hereby authorized and directed to submit an Intent-to-Apply Letter to the National Park Service Rivers and Trails program, requesting a grant in the amount of \$100,000 to establish a Groundwork Trust.

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

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

ABSENT: Clowser, Ware.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 308-07, adopted

5. Your Committee on Finance has had under consideration Resolution No. 309-07, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 309-07: "Authorizing the Mayor to sign and submit to the West Virginia Department of Highways (DOH) an Intent-to-Apply Letter and, if invited, will submit a full application for grant funds from the Recreational Trails Program. The City proposes to develop a 10-foot wide asphalt trail at the base of the Kanawha Trestle

from the point the trestle touches ground on the West Side to the Kanawha Boulevard. Total cost of the project is estimated at \$100,000, with \$80,000 being requested in Recreational Trail funds and \$20,000 being matched with local sources.”

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 to the West Virginia Department of Highways (DOH) an Intent-to-Apply Letter and, if invited, will submit a full application for grant funds from the Recreational Trails Program. The City proposes to develop a 10-foot wide asphalt trail at the base of the Kanawha Trestle from the point the trestle touches ground on the West Side to the Kanawha Boulevard. Total cost of the project is estimated at \$100,000, with \$80,000 being requested in Recreational Trail funds and \$20,000 being matched with local sources.

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

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

ABSENT: Clowser, Ware.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 309-07, adopted

5. Your Committee on Finance has had under consideration Resolution No. 310-07, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 310-07: “ Authorizing the City Manager to enter into Temporary Construction Easements, Permanent Drainage Easements, and Agreements to Replace Structures Upon Completion of City Improvements (copies of which are attached hereto) consistent with authority under City Code § 2-182, for the purpose of replacing portions of a failed retaining wall and three bridges along the stream of Porters Branch, in order to stabilize Porter Road, reduce erosion of the stream banks and enhance the safety of those traveling Porter Road.”

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

That the City Manager is hereby authorized to enter into Temporary Construction Easements, Permanent Drainage Easements, and Agreements to Replace Structures Upon Completion of City Improvements (copies of which are attached hereto) consistent with authority under City Code § 2-182, for the purpose of replacing portions of a failed retaining wall and three bridges along the stream of Porters Branch, in order to stabilize Porter Road, reduce erosion of the stream banks and enhance the safety of those traveling Porter Road.

With a majority of members elected recorded thereon as voting in the affirmative the

Mayor declared Resolution No. 310-07, adopted

NEW BILLS

1. Introduced by Councilmember David Higgins, on December 3 ,2007
Bill No.7313 : A BILL authorizing the submission of a proposed City of Charleston Municipal Home Rule Plan, attached as an Exhibit hereto, to the Municipal Home Rule Board consistent with W. Va. Code § 8-1-5a, in order to be considered for participation in the West Virginia Home Rule Pilot Program.
Refer to Municipal Home Rule Committee

ROLL CALL

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

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

ABSENT: Clowser,

At 8:15 p.m., on motion of Councilmember Harrison, Council adjourned until Monday, December 17, 2007, at 7:00 p.m.

Danny Jones, Honorable Mayor

James M. Reishman, City Clerk