

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

March 3, 2008

THE COUNCIL MET IN CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE FIRST MEETING IN THE MONTH OF MARCH ON THE 3rd DAY, IN THE YEAR 2008, 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 HIGGINS.

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

**CLOWSER
EALY
HARRIS

LANE
PAYNE
RUSSELL
SMITH
WEINTRAUB**

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

TWENTY- SEVEN 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 Michael D. Powers, 300 Seventh Avenue West, Huntington WV; alleges damage to vehicle.
Refer to City Solicitor

COMMUNICATIONS

The Clerk read the Appointment:

TO: JAMES REISHMAN, CITY CLERK
FROM: DANNY JONES, MAYOR
RE: CHARLESTON CONVENTION AND VISITORS BUREAU BOARD
DATE: MARCH 3, 2008

I recommend that Gary Chernenko, 1516 Autumn Road, Charleston, WV 25314, be reappointed to the Charleston Convention and Visitors Bureau Board, with a said term to expire February 17, 2011.

I respectfully request City Council's approval of this recommendation

Council approved the appointment.

TO: JAMES REISHMAN, CITY CLERK
FROM: DANNY JONES, MAYOR
RE: CHARLESTON CONVENTION AND VISITORS BUREAU BOARD
DATE: MARCH 3, 2008

I recommend that Steve Lemmerman, Charleston Marriott Hotel, 200 Lee Street, Charleston, WV 25301, be reappointed to the Charleston Convention and Visitors Bureau Board, with a said term to expire February 17, 2011.

I respectfully request City Council's approval of this recommendation

Council approved the appointment.

TO: JAMES REISHMAN, CITY CLERK
FROM: DANNY JONES, MAYOR
RE: CHARLESTON CONVENTION AND VISITORS BUREAU BOARD
DATE: MARCH 3, 2008

I recommend that Judy Wellington, Clay Center for the Arts and Sciences, 1 Clay Square, Charleston, WV 25301, be reappointed to the Charleston Convention and Visitors Bureau Board, with a said term to expire February 17, 2011.

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

Council approved the appointment. (ABSTAIN – Knauff)

TO: JAMES REISHMAN, CITY CLERK
FROM: DANNY JONES, MAYOR
RE: CHARLESTON CONVENTION AND VISITORS BUREAU BOARD
DATE: MARCH 3, 2008

I recommend that Greg Bolles, General Manager, Residence Inn, 200 Hotel Circle, Northgate Business Park, Charleston, WV 25311, be reappointed to the Charleston Convention and Visitors Bureau Board, with a said term to expire February 17, 2011.

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

Council approved the appointment.

TO: JAMES REISHMAN
CITY CLERK
FROM: DANNY JONES, MAYOR
RE: CIVIC CENTER BOARD
DATE: MARCH 3, 2008

I recommend that John Cavacini, P.O. Box 7118, Cross Lanes, WV 25356, be appointed to the Civic Center Board, serving as the representative from the Racing Corporation of West Virginia dba Tri-State Racetrack & Gaming Center as required by City Code Chapter 2, Article VII, Section 2-551, with a said term to expire June 22, 2012.

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

Council approved the appointment.

TO: JAMES REISHMAN, CITY CLERK
FROM: DANNY JONES, MAYOR
RE: CHARLESTON SANITARY BOARD
DATE: MARCH 3, 2008

I recommend that John Tinney, Jr. 917 Edgewood Drive, Charleston, WV 25302, be appointed to the Charleston Sanitary Board, with an initial term to expire March 17, 2009. He is replacing John Tinney, Sr.

I respectfully request City Council's approval of this recommendation

Council approved the appointment.

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. 340-08, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 340-08: "Authorizing the Mayor to sign and submit FY 2007 Community Participation Program grant information sheets (07LEDA0161), and all related documents for the East End Family Resource Center, located within the City of Charleston, in the amount of \$5,000."

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 2007

Community Participation Program grant information sheets (07LEDA0161), and all related documents for the East End Family Resource Center, located within the City of Charleston, in the amount of Five Thousand Dollars (\$5,000).

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-26, absent - 1, as follows:

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

ABSENT: Jones

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 340-08, adopted.

2. Your Committee on Finance has had under consideration Resolution No. 341-08, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 341-08: “Authorizing the Mayor to enter into an Agreement with the University of Charleston to promote the rehabilitation and maximum utilization of the Kanawha City Softball Facility in accordance with the terms and conditions set forth in the Agreement, and to provide for naming rights to the Facility, for the period commencing upon the signatures by the representatives of all parties thereto and terminating June 2028.”

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 with the University of Charleston to promote the rehabilitation and maximum utilization of the Kanawha City Softball Facility in accordance with the terms and conditions set forth in the Agreement, and to provide for the naming rights to the Facility, for the period commencing upon the signatures by the representatives of all parties thereto and terminating June 2028.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 341-08, adopted

3. Your Committee on Finance has had under consideration Resolution No. 342-08, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 342-08: “Authorizing the Mayor to Sign and Submit an Application for a Certificate of Need with the West Virginia Healthcare Authority in Relation to the City’s In-house Health Clinic.”

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 an Application for a Certificate of Need with the West Virginia Healthcare Authority in Relation to the City’s

In-house Health Clinic.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 342-08, adopted

4. Your Committee on Finance has had under consideration Resolution No. 343-08, and reports the same to Council with the recommendation that the committee report be adopted.

RESOLUTION NO. 343-08 _____ “Authorizing the Mayor to execute and enter into a Cooperation Agreement with Charleston Replacement Housing L.P. #2 (“CRHLP#2”), a West Virginia limited partnership and controlled affiliate of the Charleston Kanawha Housing Authority (the “Authority”), in the form and upon terms as more fully set forth in the Agreement attached hereto or as may be revised as required by the Secretary of the United States Department of Housing and Urban Development (“HUD”), for the purpose of the redevelopment and replacement of public housing stock stated herein.”

WHEREAS, the Authority was created by virtue of a merger and reorganization of the former Housing Authority of the City of Charleston and the former Kanawha County Housing and Redevelopment Authority pursuant to a Reorganization Agreement and related documents dated December 15, 2005, executed by the respective Commissioners of the aforesaid former authorities and effective as of August 2, 2006; and

WHEREAS, the Authority is a corporate body public organized and existing in accordance with the provisions of West Virginia Code Chapter 16, Article 15, Section 1, et seq., is exempt from the payment of any taxes or fees to the state or any subdivision thereof, and its property is further exempt from all local and municipal taxes, fees and assessments by virtue of the provisions of West Virginia Code Chapter 15, Article 15, Section 14(a); and

WHEREAS, CRHLP#2 is a controlled affiliate of the Authority, as defined in West Virginia Code Chapter 16, Article 15, Section 1(12), by virtue of the Authority holding both a majority of the ownership interests in CRHLP#2 and the Commissioners and employees of the Authority constituting a majority of the governing body thereof; and

WHEREAS, CRHLP#2, utilizing low income housing tax credits pursuant to 26 U.S.C. Section 42, and with the approval of HUD, will own and construct a total of 44 units of Public Housing in conjunction with the planned replacement and redevelopment by the Authority of its public housing developments at Orchard Manor, Washington Manor, and Littlepage Terrace (the “Property”); and

WHEREAS, the West Virginia State Tax Commissioner has by rulings dated December 7, 2006, and October 3, 2007, attached hereto, determined that CRHLP#2 is a controlled affiliate of the Authority and, as such, is eligible for the benefits conferred by West Virginia Code Chapter 16, Article 15, Section 14, thereby exempting the Property owned by CRHLP#2 to be development and revitalized for use as Public Housing, from West Virginia local and municipal taxes, fees and assessments, as such Property must

be treated as property of the Authority; and

WHEREAS, although property of the Authority is exempt from West Virginia local and municipal taxes, fees and assessments pursuant to the aforesaid provisions of the West Virginia Code, the Authority and the City of Charleston have heretofore entered into and, for a number of years prior to the date of these presents, have adhered to a Cooperation Agreement whereby the Authority has made certain payments in lieu of taxes to the City and, inasmuch as the CRHLP#2 Property is treated as property of the Authority according to the aforesaid Tax Commissioner's ruling, it is the mutual desire of the parties hereto to enter into an agreement providing for like payments in lieu of taxes with respect to the Property by CRHLP#2 to the City of Charleston as more full set forth in the Agreement attached hereto;

THEREFORE, Be it Resolved by the Council of the City of Charleston:

That the Mayor is hereby authorized and directed to execute and enter into a Cooperation Agreement with Charleston Replacement Housing L.P. #2, a West Virginia limited partnership and controlled affiliate of the Charleston Kanawha Housing Authority, in the form and upon terms as more fully set forth in the Agreement attached hereto or as may be revised as required by the Secretary of the United States Department of Housing and Urban Development, for the purpose of the redevelopment and replacement of public housing stock stated herein.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 343-08, adopted

5. Your Committee on Finance has had under consideration a proposal submitted by General Truck Sales Corporation, in the total amount of \$93,348, for purchase of one Van (\$20,470); two ¾-ton, 4x4 Pickup Trucks (\$45,396 / \$22,698 each); and one Flat Bed ¾-ton Pickup Truck (\$27,482), to be assigned to the City Construction Crew.

To be charged to Account No. 001-975-00-412-4-459, City Manager—Construction, Capital Outlay, through the JP Morgan Chase Lease Purchase Escrow Account, Schedule Number 1000131810

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 Payroll Variance Analysis; January, 2008; Received and Filed.

NEW BILLS

Introduced by Council members Tom Lane and Mary Jean Davis on March 3, 2008:
Bill No. 7317: A Bill to amend the Zoning Ordinance for the City of Charleston as it pertains to electronic reader board signs for areas of major public assembly that are located in the Central Business District and clarify the definition of allowable uses of joint and shared use parking.
Refer to Municipal Planning Commission

Introduced by Councilmember Ed Talkington on March 3, 2008:
Bill No. 7321: A Bill closing, abandoning and discontinuing as a public right of way an alley that runs between and is perpendicular to Monongalia Street and Virginia Street, West, located in the Charleston West Tax District of the City of Charleston, Kanawha County, West Virginia.
Refer to Municipal Planning Commission and Finance Committee

Introduced by Councilmember Mose Lanham on March 3, 2008:
Bill No. 7322 - A Bill to establish a Stop Intersection on Upper Vine Street at Gap Road requiring vehicles west bound on Upper Vine Street to stop, 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

Introduced by Councilmember Bob White on March 3, 2008:
Bill No. 7323 - A Bill to repeal Bill No. 6854 passed by Council on November 19, 2001, relating to a vehicular parking zone for the exclusive use of the physically disabled on the northerly side of Wyoming Street from a point 145 feet east of Ohio Avenue to a point 185 feet east of Ohio Avenue, to provide for the removal of vehicles illegally parked in these spaces, to incorporate the provisions of West Virginia Code, Chapter 17C, Article 13, Section 16, 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, Chapter one fourteen, Article five, to conform therewith.
Refer to Streets and Traffic Committee

UNFINISHED BUSINESS

Tom Lane and David Molgaard presented Council's goals and objectives from the planning retreat, and how they are working to implement the vision by using strategy aligned management using the Balance Scorecard

ROLL CALL

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

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

ABSENT: Jones, Mayor Jones.

At 7:45 p.m., by a motion from Councilmember Harrison, Council adjourned until Monday, March 17, 2008, at 7:00 p.m.

Danny Jones, Honorable Mayor

James M. Reishman, City Clerk