

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

June 2, 2008

THE COUNCIL MET IN CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE FIRST MEETING IN THE MONTH OF JUNE ON THE 2nd 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 TALKINGTON.

DEITZLER	CLOUSER	
HANNA	EALY	HALL
HIGGINS	HARRIS	HARRISON
KNAUFF	JONES	KIRK
MILLER		LANHAM
REISHMAN	PAYNE	REED
SHEETS	RUSSELL	SALISBURY
WARE	SMITH	TALKINGTON
MAYOR JONES	WEINTRAUB	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

None

CLAIMS

1. A claim of Penny Fortner, 306 Cypress Dr., Charleston, WV; alleges personal injury. Refer to City Solicitor
2. A claim of Penny Thomas, 86 Underwood Avenue, Forest, VA; alleges damage to vehicle. Refer to City Solicitor

COMMUNICATIONS

Certificate of Recognition for West Virginia Chaos Soccer Team.

MISCELLANEOUS RESOLUTIONS

Resolution No. 388 —08

Introduced in Council

June 2, 2008

Susie Salisbury, Mary Jean Davis

WHEREAS: The Religious Coalition for Community Renewal was established in 1987 as a non-profit organization to provide housing assistance for people in need and as a new partnership among 30 religious interfaith congregations, the City of Charleston, One Valley Bank, the Clay Foundation and others; and

WHEREAS: After Sandra Hamlin retired from a successful career in the private sector 15 years ago, she began serving as the executive director of RCCR, building trust among community stakeholders and leaders, providing compelling and effective leadership for the organization, and implementing a vision for improved housing in the greater Charleston community; and

WHEREAS: Under her direction and leadership, RCCR has developed and/or expanded several programs for housing counseling and many projects, such as Jubilee Housing, Smith Street Station, the Samaritan Inn, EcoDwell and Knollview Village; and

WHEREAS: Because of her leadership skills, thorough understanding of housing issues, and passionate advocacy for home ownership, Ms. Hamlin has served tirelessly on the boards for several housing entities, include the West Virginia Affordable Housing Trust Fund, Community Works West Virginia, Kanawha Valley Collective, West Virginia Interagency Housing Council, West Virginia Homeless Coalition, Pittsburgh FHL Bank and Federation of Appalachian Housing Enterprises; and

WHEREAS: Because of her passion for helping people, achievements toward

community renewal and legacy in lives touched by her service, Sandra Hamlin this year earned enshrinement in the Habitat for Humanity Hall of Fame; and

WHEREAS: In recognition of the many people and families who have received keys to homes because of her service in our community, Ms. Hamlin has also received a Key to the City of Charleston from the Office of Mayor Danny Jones; and

WHEREAS: Ms. Hamlin has decided to retire again this year, this time to dedicate much of her personal attention, time and energies toward being as good a grandmother as she has been a community leader in our city.

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

That we join many people and organizations in honoring Sandra Hamlin upon her retirement from the RCCR, recognizing her enduring legacy within our greater community, expressing our heartfelt appreciation for her dedication to the citizens of our city and wishing her all the best in every future endeavor.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No.388-08, adopted

Resolution No. 389 —08

Introduced in Council

Passed by Council

June 2, 2008

June 2, 2008

Mary Jean Davis, Jack Harrison, Bobby Reishman, Harry Deitzler

WHEREAS: The Kanawha County Public Library system has proposed building a new state-of-the-art public library in downtown Charleston in addition to making significant investments in other community libraries throughout Kanawha County; and

WHEREAS: The proposed library in downtown Charleston would be an impressive flagship institution for the Kanawha County library system, could become yet another demonstration of the vitality of Charleston's downtown redevelopment efforts and represent an investment of nearly \$40 million in our community; and

WHEREAS: Leaders and members of the Kanawha County Library board have been actively raising money for this project and have received significant commitments of support from private donors toward its completion; and

WHEREAS: The City of Charleston is actively and effectively involved in the Kanawha County Library system, contributing \$875,000 every year to the system for use by our citizens and visitors.

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

That we support the vision for the new library's construction, encourage our citizens to learn more about the project, recognize the dedication and commitment of those who are working tirelessly toward making this building a new reality for the City of Charleston, and resolve to continue leading the cities in the Kanawha Valley with our current major commitment of \$875,000 annually to the extent that future municipal budgets permit.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No.389-08, adopted. Sheets – No, Smith – abstain.

The Clerk read the Appointment:

TO: JAMES REISHMAN
CITY CLERK

FROM: DANNY JONES
MAYOR

RE: CIVIC CENTER BOARD

DATE: JUNE 2, 2008

I recommend that Mary Jean Davis, 1527 Dogwood Road, Charleston, WV 25314, be reappointed to the Civic Center Board, 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: CIVIC CENTER BOARD

DATE: JUNE 2, 2008

I recommend that David Wallace, 4704 Virginia Avenue, S.E., Charleston, WV 25304, be reappointed to the Civic Center Board, 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: CIVIC CENTER BOARD

DATE: JUNE 2, 2008

I recommend that Dennis Vaughan, 2020 Kanawha Boulevard East, Charleston, WV 25311, be appointed to the Civic Center Board, with an initial term to expire June 22, 2012. He is replacing Harry Bell.
I respectfully request City Council's approval of this recommendation.

Council approved the appointment.

TO: JAMES REISHMAN
CITY CLERK

FROM: DANNY JONES
MAYOR

RE: COUNCIL TASK FORCE ON CATO PARK

DATE: JUNE 2, 2008

To discuss the future of Cato Park in Charleston, explore opportunities for development or expansion and lay a foundation toward a master plan, I am creating a City Council Task force on Cato Park and appointing the following members of City Council: Council President Tom Lane, Parks and Recreation Committee Chair Jim Harris, Planning Committee Chair Mary Jean Davis, At-Large Council members Will Hanna and Kasey Russell, and Ward seven Council member Adam Henry Knauff. I have also asked City manager David Molgaard, Parks and Recreation Director John Charnock and Planning Director Dan Vriendt to work on behalf of my administration of this Task Force.

Received and Filed.

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. 380-08, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 380-08: "Authorizing approval of the 2008-2009 Parking System Budget as indicated on the attached list of accounts."

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

That the 2008-2009 Parking System Budget, as indicated on the attached list of accounts, is hereby approved.

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

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

ABSENT: Burton, Davis, Lane

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 380-08, adopted.

2. Your Committee on Finance has had under consideration Resolution No. 381-08, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 381-08: "Authorizing the Finance Director to allocate funds in the amount of \$27,825 for acquisition of one (1) HOME project located in North Charleston."

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

That the Finance Director is hereby authorized and directed to allocate funds in the amount of \$27,825 for acquisition of one (1) HOME project located in North Charleston.

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

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

ABSENT: Burton, Davis, Lane

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 381-08, adopted.

3. Your Committee on Finance has had under consideration Resolution No. 382-08, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 382-08: “Authorizing the Mayor to sign and submit eight (8) applications to the West Virginia Development Office for FY 2008 Community Participation Program on behalf of eight agencies.”

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 eight (8) applications to the West Virginia Development Office for FY 2008 Community Participation Program on behalf of the following agencies:

YWCA / Sojourner’s Shelter for Homeless Women and Families	08LEDA0194	\$17,000
Covenant House Incorporated	08LEDA0179	\$ 2,000
Capitol Market	08CPGP0077	\$12,000
AIDS Memorial Gardens	08LEDA0150	\$10,000
AIDS Memorial Gardens	08LEDA0200	\$ 1,000
AIDS Memorial Gardens	08CPGP0082	\$ 1,500
Charleston Public Safety Council	08LEDA0152	\$12,000
Charleston Public Safety Council	08LEDA0169	\$ 2,000

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-23, absent - 3, abstain-2, as follows:

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

ABSENT: Burton, Davis, Lane

ABSTAIN: Weintraub, Sheets

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 382-08, adopted.

4. Your Committee on Finance has had under consideration Resolution No. 383-08, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 383-08: “Authorizing the Mayor to enter into an Agreement with nTelos for Telephone Line Services at the Charleston Civic Center. The Agreement is for a three year period for a cost of approximately \$45,252.”

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 nTelos for Telephone Line Services at the Charleston Civic Center. The Agreement is for a three year period for a cost of approximately \$45,252.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 383-08, adopted.

5. Your Committee on Finance has had under consideration Resolution No. 384-08, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 384-08: "Authorizing the Mayor to enter into an Agreement with FiberNet for Internet Services at the Charleston Civic Center. The Agreement is for a three year period for a cost of approximately \$21,600, plus \$750 for installation."

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 FiberNet for Internet Services at the Charleston Civic Center. The Agreement is for a three year period for a cost of approximately \$21,600, plus \$750 for installation.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 384-08, adopted. No- Deitzler

6. Your Committee on Finance has had under consideration Resolution No. 385-08, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 385-08: "Authorizing the Mayor to enter into an Agreement with Electronic Specialty Company, in the amount of \$89,733, for Fire Alarm System Upgrades at Roosevelt Neighborhood Center."

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 Electronic Specialty Company, in the amount of \$89,733, for Fire Alarm System Upgrades at Roosevelt Neighborhood Center.

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

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

ABSENT: Burton, Davis, Lane

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 385-08, adopted.

7. Your Committee on Finance has had under consideration Resolution No. 386-08, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 386-08: "Authorizing the Mayor to enter into an Agreement with Alliance Benefit Group, in an amount not to exceed \$9,000, to conduct an Actuarial Valuation of the City's Health Plan for Other Post Employment Benefits (OPEB), other than pension benefits, in accordance with Actuarial Standards of Practice (ASOP) and Governmental Accounting Standards Board (GASB) Statement Nos. 43 and 45."

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 Alliance Benefit Group, in an amount not to exceed \$9,000, to conduct an Actuarial Valuation of the City's Health Plan for Other Post Employment Benefits (OPEB), other than pension benefits, in accordance with Actuarial Standards of Practice (ASOP) and Governmental Accounting Standards Board (GASB) Statement Nos. 43 and 45.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 386-08, adopted.

8. Your Committee on Finance has had under consideration Resolution No. 387-08, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 387-08: "Authorizing the Finance Director to amend the 2007-2008 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 2007-2008 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-25, absent - 3, as follows:

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

ABSENT: Burton, Davis, Lane

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 387-08, adopted.

9. Your Committee on Finance has had under consideration an approval for purchase of various classes and sizes of Aggregate on an as needed basis from Martin Marietta Aggregates (see attached tabulation sheet), to be used by the Street Department for projects undertaken throughout fiscal year 2008-2009.

To be charged to Account No. 001-750-00-000-3-341, Street—Materials & Supplies (FY 2008-2009) , 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.

10. Your Committee on Finance has had under consideration a approval of the bid submitted by Sherwin-Williams Co., in the amount of \$27,769.50, for purchase of 2750 gallons of yellow traffic marking paint (\$17,655.00); and 1650 gallons of white traffic marking paint (\$10,114.50) to be used by the Street Department in striping City streets.

To be charged to Account No. 001-750-00-000-3-341, Street—Materials & Supplies (FY 2008-2009) , 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.

NEW BILLS

Introduced by Council Member Marc Weintraub on June 2, 2008:

Bill No. 7329 - a Bill amending the Zoning Ordinance of the City of Charleston, West Virginia, enacted the 1st day of January, 2006, as amended, and the map made a part thereof, by rezoning from an R-8 district to a C-8 district, parcels situate at East Charleston Tax Map 25, Parcels 21 and 22 also know as 209 and 211 Greenbrier Street, Charleston, West Virginia.

Refer to Planning Committee.

Introduced by Council member Robert Reishman on June 2, 2008:

Bill No. 7331 - A Bill 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, The City of South Charleston to renew the Charleston/Kanawha County Housing Consortium for fiscal years 2009, 2010, 2011.

Refer to Finance Committee.

ROLL CALL

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

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

ABSENT: Burton, Davis, Lane

At 8:00 p.m., by a motion from Councilmember Harrison, Council adjourned until Monday, June 16, 2008, at 7:00 p.m.

Danny Jones, Honorable Mayor

James M. Reishman, City Clerk