

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

May 4, 2009

THE COUNCIL MET IN CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE FIRST MEETING IN THE MONTH OF MAY ON THE 4th 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 DENEULT.

**BURTON
DEITZLER
HALL
HARRISON
KIRK
MILLER
REISHMAN
SHEETS
WARE
MAYOR JONES**

**DENEULT
HANNA
HIGGINS
KNAUFF
PAYNE
RUSSELL
SMITH
WEINTRAUB**

**EALY
HARRIS
JONES
LANE
REED
SALISBURY
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

1. Pat McGill – West side Main Street

CLAIMS

1. A claim of David Campbell, 418 Mary Street, Charleston, WV; alleges damage to vehicle.

Refer to City Solicitor

2. A claim of Stan Thomas, 434 McKinley Ave., Charleston, WV; alleges damage to vehicle.

Refer to City Solicitor

3. A claim of Charles Bayless, 1544 Virginia Street, East, Charleston, WV; alleges damage to vehicle.

Refer to City Solicitor

PROCLAMATION

EXECUTIVE DEPARTMENT

CITY OF CHARLESTON

PROCLAMATION

By the Mayor

WHEREAS, historic preservation is an effective tool for managing growth, revitalizing neighborhoods, fostering local pride and maintaining community character while enhancing livability; and

WHEREAS, historic preservation is relevant for communities across the nation, both urban and rural, and for Americans of all ages, all walks of life and all ethnic backgrounds; and

WHEREAS, it is important to celebrate the role of history in our lives and the contributions made by dedicated individuals in helping to preserve the tangible aspects of the heritage that has shaped us as a people; and

WHEREAS, "*This Place Matters*" is the theme for National Preservation Month 2009, cosponsored by the Charleston Historic Landmarks Commission, City Council’s Strong Neighborhoods Task Force and the National Trust for Historic Preservation.

NOW, THEREFORE, I, Danny Jones, do proclaim May 2009 as National Historic Preservation Month, and call upon the people of Charleston to join their fellow citizens across the United States in recognizing and participating in this special observance.

HISTORIC PRESERVATION MONTH

in Charleston, West Virginia, in conjunction with the celebration of National Historic Preservation Month

IN WITNESS WHEREOF, I have set my hand and caused the Seal of the Executive Department to be affixed this fourth day of May, 2009.

The Clerk read the Appointments:

TO: JAMES REISHMAN
CITY CLERK

FROM: DANNY JONES
MAYOR

RE: CHARLESTON CONVENTION AND VISITORS BUREAU BOARD

DATE: MAY 4, 2009

I recommend that Kim Burton, Embassy Suites, 300 Court Street, Charleston, WV 25301, be appointed to the Charleston Convention and Visitors Bureau Board ,with an initial 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: MAY 4, 2009

I recommend that Andrew Jordan, 1 Norwood Road, Charleston, WV. 25314, be reappointed to the Charleston Convention and Visitors Bureau Board ,with a said term to expire February 17, 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 CONVENTION AND VISITORS BUREAU BOARD

DATE: MAY 4, 2009

I recommend that Lisa McCracken, Charleston Town Center Mall, Charleston Town Center, WV 25389, be reappointed to the Charleston Convention and Visitors Bureau Board ,with a said term to expire February 17, 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 CONVENTION AND VISITORS BUREAU BOARD

DATE: MAY 4, 2009

I recommend that Georgette George, Ramada Plaza Hotel, 400 2nd Avenue, South Charleston, WV 25303, be reappointed to the Charleston Convention and Visitors Bureau Board ,with a said term to expire February 17, 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: MAY 4, 2009

I am recommending that John H. Tinney, Jr. 917 Edgewood Drive, Charleston, West Virginia 25302 be reappointed to the Charleston Sanitary Board, with a said term to expire March 17, 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: SPRING HILL CEMETERY PARK COMMISSION

DATE: MAY 4, 2009

I recommend that Otis L. O'Connor, 890 Chester Road, Charleston, WV 25302, be reappointed to the Spring Hill Cemetery Park Commission, with a said term to expire April 6, 2013.

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 HISTORIC LANDMARKS COMMISSION

DATE: MAY 4, 2009

I recommend that Bill Melton, 1555 Lee Street, East, Charleston, WV 25311, be reappointed to the Charleston Historic Landmarks Commission, with a said term to expire September 1, 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 HISTORIC LANDMARKS COMMISSION

DATE: MAY 4, 2009

I recommend that Jody Connell, 242 Baker Lane, Apartment #1312, Charleston, WV 25302, be reappointed to the Charleston Historic Landmarks Commission, with a said term to expire September 1, 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 HISTORIC LANDMARKS COMMISSION

DATE: MAY 4, 2009

I recommend that Paul W. Tennant, 318 Lee Street, West, Charleston, WV 25304, be reappointed to the Charleston Historic Landmarks Commission, with a said term to expire September 1, 2010.

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 HUMAN RIGHTS COMMISSION

DATE: MAY 4, 2009

I recommend that Joanna Tabit, Steptoe & Johnson, PO Box 1588, Charleston, WV 25326, be appointed to the Charleston Human Rights Commission, with a said term to expire June 30, 2009. She is replacing Margaret Workman. .

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 551-09, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 551-09: "Authorizing approval of the 2009-2010 Civic Center Budget as indicated on the attached list of accounts."

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

That the 2009-2010 Civic Center 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-26, absent -2, as follows:

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

ABSENT: Clowser, Davis,

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 551-09, passed.

2. Your Committee on Finance has had under consideration Resolution No 552-09, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 552-09: "Authorizing the Finance Director to amend the 2008-2009 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 2008-2009 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: Burton , Deitzler, Deneault, Ealy, Hall, Hanna, Harris, Harrison, Higgins, Jones, Kirk, Knauff, Lane, Miller, Payne, Reed, Reishman, Russell, Salisbury, Sheets, Smith, Talkington, Ware, Weintraub, White, Mayor Jones.

ABSENT: Clowser, Davis,

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 552-09, passed.

3. Your Committee on Finance has had under consideration Resolution No 553-09, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 553-09: "Authorizing the Mayor to enter into an Agreement with Wiseman Construction Company, Inc., in the amount of \$389,358.95, for the Kanawha Boulevard Bridge Rehabilitation project."

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 Wiseman Construction Company, Inc., in the amount of \$389,358.95, for the Kanawha Boulevard Bridge Rehabilitation project.

This project involves roadway / heavy highway approach work, rehabilitation to the substructure, superstructure, pedestrian walkways, expansion joints, hand railing, deck surface and pavement markings.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 553-09, adopted.

4. Your Committee on Finance has had under consideration Resolution No 554-09, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 554-09: "Authorizing the Mayor to enter into an Agreement with Ahern & Associates, Inc., in the amount of \$1,556,600, for the South Side Bridge Rehabilitation project."

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 Ahern and Associates, Inc., in the amount of \$1,556,600, for the South Side Bridge Rehabilitation project.

The project includes rehabilitation to the substructure, superstructure, pedestrian walkways, expansion joints, hand railing, and deck surface. The deck rehabilitation specifies the complete removal of the existing concrete overlay and the placement of a specialized concrete overlay.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 554-09, adopted.

5. Your Committee on Finance has had under consideration Resolution No 555-09,

and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 555-09: "Authorizing the Mayor to receive and administer the 2009-2010 Violence Against Women Act (VAWA) grant award, No. 08-VAW-018, in the amount of \$66,362 from the West Virginia Division of Criminal Justice Services. The funds provide financial assistance to the Kanawha County STOP VAWA Task Force for developing and strengthening effective law enforcement, prosecution strategies and victim services in cases involving violent crimes against women."

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 the 2009-2010 Violence Against Women Act (VAWA) grant award, No. 08-VAW-018, in the amount of \$66,362 from the West Virginia Division of Criminal Justice Services. The funds provide financial assistance to the Kanawha County STOP VAWA Task Force for developing and strengthening effective law enforcement, prosecution strategies and victim services in cases involving violent crimes against women.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 555-09, adopted.

6. Your Committee on Finance has had under consideration Resolution No 556-09, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 556-09: "Authorizing the Mayor to renew the Irrevocable Letter of Credit from City National Bank in the amount of \$328,000 for bonding of the permitted acreage at the City Landfill; and further authorizing payment of the premium in the amount of \$3,280 for the period July 1, 2009 to June 30, 2010. The premium is due annually with reimbursement to the City by Landfill Services of Charleston, Inc."

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

That the Mayor is hereby authorized and directed to renew the Irrevocable Letter of Credit from City National Bank in the amount of \$328,000 for bonding of the permitted acreage at the City Landfill; and further authorizing payment of the premium in the amount of \$3,280 for the period July 1, 2009 to June 30, 2010. The premium is due annually with reimbursement to the City by Landfill Services of Charleston, Inc.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 556-09, adopted.

7. Your Committee on Finance has had under consideration Resolution No 557-09, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 557-09 :“Authorizing the Mayor to enter into an Agreement with the West Virginia Department of Transportation, Division of Highways, regarding the duties and responsibilities of each entity for the establishment and maintenance of two computerized traffic signal systems for installation at the intersections of:

Greenbrier Street (WV 114) at I-64 WB / I-77 NB Ramps
Greenbrier Street (WV 114) at I-64 EB / I-77 SB Ramps

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 West Virginia Department of Transportation, Division of Highways, regarding the duties and responsibilities of each entity for the establishment and maintenance of two computerized traffic signal systems for installation at the intersections of:

Greenbrier Street (WV 114) at I-64 WB / I-77 NB Ramps
Greenbrier Street (WV 114) at I-64 EB / I-77 SB Ramps

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 557-09, adopted.

8. Your Committee on Finance has had under consideration Resolution No 558-09, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 558-09 : “Authorizing the Mayor to sign and submit FY 2009

Community Participation Program grant information sheets and all related documents for four (4) projects associated with two agencies located within the City of Charleston.”

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 and all related documents for four (4) projects associated with the following two agencies located within the City of Charleston:

Charleston Municipal Auditorium	09LEDA0248	\$18,100
Charleston Municipal Auditorium	09LEDA0262	\$20,000
Charleston Area Alliance	09LEDA0246	\$22,800
Charleston Area Alliance	09LEDA0245	\$45,000

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

ABSENT: Clowser, Davis,

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 558-09, passed.

9. Your Committee on Finance has had under consideration Resolution No 559-09, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 559-09: "Authorizing the Mayor to sign and submit applications to the Office of Economic Opportunity for the 2009 West Virginia Homeless Shelters program (WVHSP) to provide maintenance, operating expenses and essential services for the following agencies: Covenant House, Daymark, Kanawha Valley Fellowship Home, Rea of Hope, RCCR-Samaritan Inn, Roark Sullivan Lifeway Center, YWCA/Sojourner's, and YWCA/Resolve Family Abuse; and further authorizing the Mayor to sign all required contracts, documents and agreements with all 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 applications to the Office of Economic Opportunity for the 2009 West Virginia Homeless Shelters program (WVHSP) to provide maintenance, operating expenses and essential services for the following agencies: Covenant House, Daymark, Kanawha Valley Fellowship Home, Rea of Hope, RCCR-Samaritan Inn, Roark Sullivan Lifeway Center, YWCA/Sojourner's, and YWCA/Resolve Family Abuse; and further authorizing the Mayor to sign all required contracts, documents and agreements with all agencies."

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-24, absent -2, abstain -2, as follows:

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

ABSENT: Clowser, Davis,

ABSTAIN: Weintraub, Ealy

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 559-09, passed.

10. Your Committee on Finance has had under consideration Resolution No 560-09, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 560-09: "Authorizing the Mayor to sign and submit to the U.S. Department of Housing and Urban Development (HUD) the Annual Action Plan for Program Year 2009-2010 (year 5 of the Consolidated Plan) and all required agreements, including Subrecipient Project contracts relating to the Annual Action Plan."

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 U.S.

Department of Housing and Urban Development (HUD) the Annual Action Plan for Program Year 2009-2010 (year 5 of the Consolidated Plan) and all required agreements, including Subrecipient Project contracts relating to the Annual Action Plan.

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

ABSENT: Clowser, Davis,

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 560-09, passed.

11. Your Committee on Finance has had under consideration Resolution No 563-09, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 563-09 :“Authorizing the Mayor to enter into an Agreement with the West Virginia Department of Transportation, Division of Highways for funding for Project U320-CHA/S-45.00, the East End Kids Walk & Bike Safe Routes to Piedmont Project, said authorization being granted by Resolution pursuant to the Municipal Code of the City of Charleston Chapter 3, Article II, Section 3-12.”

WHEREAS, it has been determined that a project to install secure bike racks, ADA curb cuts with detectable warning devices and high visibility pedestrian crosswalks would enhance safety for children who walk or ride their bicycles to school in the east end of Charleston; and

WHEREAS, the activity of educating students and residents of the east end of Charleston regarding the benefits of walking or bicycling in lieu of driving would benefit residents and the east end community; and

WHEREAS, the City of Charleston and the West Virginia Division of Highways have determined that a project for the installation of bicycle facilities and pedestrian crosswalks and that an activity for education, encouragement, enforcement, and evaluation components are an eligible project and activity under the Safe Routes to School Program created by Section 1404 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) Act; and

WHEREAS, the City of Charleston has applied for, and been granted funding appropriated in the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) in the amount of \$90,000.00; and

WHEREAS, in order to receive the funding, the City must enter into an Agreement with the West Virginia Department of Transportation, Division of Highways, a copy of which is attached hereto; now, therefore

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

That the Mayor is hereby authorized to enter into an Agreement with the West Virginia Department of Transportation, Division of Highways for funding for Project U320-CHA/S-45.00, the East End Kids Walk & Bike Safe Routes to Piedmont Project.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 563-09, adopted.

12. Your Committee on Finance has had under consideration Resolution No 564-09, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 564-09: "Authorizing the Mayor to execute and enter into a Cooperation Agreement with Charleston Replacement Housing-Orchard Elderly L.P. ("CRHOE"), 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, to the extent that the Authority is considered "another jurisdiction" under W. Va. Code § 8-11-3, said authorization is granted by Resolution pursuant to the Municipal Code of the City of Charleston Chapter 3, Article II, Section 3-1."

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, CRHOE 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 CRHOE and the Commissioners and employees of the Authority constituting a majority of the governing body thereof; and

WHEREAS, CRHOE, utilizing low income housing tax credits pursuant to 26 U.S.C. Section 42, as well as other financing sources, and with the approval of HUD, will own and construct a total of 12 units of Public Housing for use by elderly and/or disabled

residents in conjunction with the planned replacement and redevelopment by the Authority of a portion of its public housing development at Orchard Manor situate in the City of Charleston (the "Property"); and

WHEREAS, the West Virginia State Tax Commissioner has by rulings dated July 10, 2008, attached hereto, determined that CRHOE 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 CRHOE 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 CRHOE 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 CRHOE to the City of Charleston as more full set forth in the Agreement attached hereto; now, therefore

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

That the Mayor is hereby authorized and directed to execute and enter into a Cooperation Agreement with Charleston Replacement Housing-Orchard Elderly L.P., 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, to the extent that the Authority is considered "another jurisdiction" under W. Va. Code § 8-11-3, said authorization is granted by Resolution pursuant to the Municipal Code of the City of Charleston Chapter 3, Article II, Section 3-12.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 564-09, adopted.

13. Your Committee on Finance has had under consideration Resolution No 565-09, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 565-09 : "Authorizing the Mayor to enter into a Contract with the Kanawha-Charleston Board of Health to provide local health services and the use of public health facilities; and further authorizing the City to pay the Health Department for rendering said services an annual sum of \$200,000, payable in eleven monthly

installments of \$16,666.67 and one monthly installment of \$16,666.63. The contract shall be for a one year period starting July 1, 2009, and ending June 30, 2010.”

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

That the Mayor is hereby authorized and directed to enter into a Contract with the Kanawha-Charleston Board of Health to provide local health services and the use of public health facilities; and further authorizing the City to pay the Health Department for rendering said services and annual sum of Two Hundred Thousand Dollars (\$200,000), payable in eleven monthly installments of \$16,666.67 and one monthly installment of \$16,666.63. The contract shall be for a one year period starting July 1, 2009, and ending June 30, 2010.

14. Your Committee on Finance has had under consideration Resolution No 566-09, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 566-09: “Authorizing an adjustment to the terms of Resolution 531-09, and further authorizing the Mayor to enter into separate construction agreements with Orders Construction Company for construction of the streetscape and non-streetscape portions of the Gateway Greenspace Project (collectively, the “Project”), subject to financial assurance conditions related thereto.

WHEREAS, on March 16, 2009, City Council passed Resolution 531-09 authorizing the Mayor to enter into an agreement with Orders Construction Company in the amount of \$1,584,250.00 for construction of the Project; and

WHEREAS, the Project consists of both construction of streetscape elements and construction of a designed greenspace, excluding streetscape elements; and

WHEREAS, due to the sources of funding for the Project, and after several communications with those sources and the contractor, it is in the best interest of the City to enter into two separate agreements with Orders Construction Company, one for streetscape only and one for construction of the designed greenspace (excluding streetscape elements) for completion of the Project; and

WHEREAS, in order to meet the anticipated construction schedule for timely completion of the Project, it is necessary to execute the agreements with Orders Construction Company prior to the next regularly scheduled City Council meeting; and

WHEREAS, entering into two agreements with Orders Construction Company will result in no change to the overall cost of the Project; and

WHEREAS, the Charleston Urban Renewal Authority has agreed in writing to be responsible for payment of the streetscape portion of the Project, which totals \$253,575.00; and

WHEREAS, the construction of the portion of the Project excluding streetscape elements, which totals \$1,330,675.00, shall be funded with \$568,660.49 of FHA grant funds, a \$50,000.00 contribution by the City, and payment of \$712,014.51 by the CADCO Foundation, Inc. (“CADCO”); and

WHEREAS, prior to execution of an agreement between the City and Orders Construction Company for construction of the non-streetscape portion of the Project, CADCO shall provide City with payment of \$228,087.51, a Letter of Credit totaling \$483,927.00, and an agreement executed by CADCO further guaranteeing payment of the portion of the Project funded by CADCO; now, therefore

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

That the Mayor is hereby authorized to enter into separate construction agreements with Orders Construction Company for construction of the streetscape and non-streetscape portions of the Gateway Greenspace Project, subject to the terms and financial assurances contained herein.”

REPORTS OF OFFICERS

1. Report of the City of Charleston Financial Statements for the Nine- Month Period Ended March 31, 2009.
Received and Filed.

ROLL CALL

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

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

ABSENT: Clowser, Davis,

At 7:45 p.m., by a motion from Councilmember Harrison, Council adjourned until Monday, May 18, 2009, at 7:00 p.m.

Danny Jones, Honorable Mayor

James M. Reishman, City Clerk