**JOURNAL**

**OF THE**

**COUNCIL**

**CITY OF CHARLESTON**

**WEST VIRGINIA**

**AUGUST 6, 2012**

**THE COUNCIL MET IN CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE FIRST MEETING IN THE MONTH OF AUGUST ON THE 6th DAY, IN THE YEAR 2012, 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 STAJDUHAR.**

**BURKA BURTON CLOWSER DAVIS DENEAULT DODRILL**

**EALY HAAS HARRISON**

**KIRK LANE MILLER**

**NICHOLS PERSINGER**

**REISHMAN RICHARDSON RUSSELL**

**SALISBURY SHEETS SMITH**

**SNODGRASS STAJDUHAR TALKINGTON**

**WARE WEINTRAUB WHITE**

**MAYOR JONES**

**WITH 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 Raymond Christian, 917 W. 2nd St., Charleston, WV; alleges damage to vehicle.

Refer to City Solicitor

2. A claim of Ahron Yeager, 4204 Venable Ave., Charleston, WV; alleges damage to vehicle.

Refer to City Solicitor.

3. A claim of Bobbie Canterbury, 414 Spencer St., South Charleston, WV; alleges damage to vehicle.

Refer to City Solicitor.

4. A claim of Hazra Auadin, 1548 Ravina Rd., Charleston, WV; alleges damage to vehicle.

Refer to City Solicitor.

5. A claim of Harold Walker, 709 Mayflower Dr., Charleston, WV; alleges damage to vehicle.

Refer to City Solicitor.

6. A claim of Linda Meszaros, 4615 Venable Ave., Charleston, WV; alleges damage to vehicle.

Refer to City Solicitor.

***COMMUNICATIONS***

The Clerk read the communication:

TO: JAMES REISHMAN, CITY CLERK

FROM: DANNY JONES, MAYOR

RE: HALLOWEEN 2012

DATE: AUGUST 6, 2012

I recommend that October 30, 2012 from the hours of 6:00 until 8:00 be designated as Trick or Treat in the City of Charleston.

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

*With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the appointment confirmed.*

***FINANCE***

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

1. Your Committee on Finance has had under consideration Resolution No 178-12, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 178-12 : “Authorizing the Mayor and/or City Manager to enter into an Agreement with Garcie R. Marker & Sons, Inc., in the amount of $205,600.00, for the summer 2012 Concrete Curb and Sidewalk project.”

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

That the Mayor and/or City Manager is hereby authorized and directed to enter into an Agreement with Garcie R. Marker & Sons, Inc., in the amount of $205,600.00, for the Summer 2012 Concrete Curb and Sidewalk project.

*With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the Resolution No. 178-12, adopted.*

2. Your Committee on Finance has had under consideration Resolution No 179-12, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 179-12 : “Authorizing the Mayor or City Manager to enter into an Agreement with SunTrust Equipment Finance & Leasing Corporation in the amount of approximately $524,500.00 for a three year lease purchase period at a rate of 1.29%, and approximately $1,740,000.00 for a five year lease purchase period at a rate of 1.40%, to provide for the purchase of police cars and various equipment for City departments, contingent upon the bidder establishing and funding an escrow account for the aforementioned amounts and contingent upon the City being allowed to procure all vehicles and equipment according to its purchasing procedures, and subject to review and final approval by legal counsel for the City.”

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

That the Mayor or City Manager is hereby authorized and directed to enter into an Agreement with SunTrust Equipment Finance & Leasing Corporation in the amount of approximately $524,500.00 for a three year lease purchase period at a rate of 1.29%, and approximately $1,740,000.00 for a five year lease purchase period at a rate of 1.40%, to provide for the purchase of police cars and various equipment for City departments, contingent upon the bidder establishing and funding an escrow account for the aforementioned amounts and contingent upon the City being allowed to procure all vehicles and equipment according to its purchasing procedures, and subject to review and final approval by legal counsel for the City.

*With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the Resolution No. 179-12, adopted.*

3. Your Committee on Finance has had under consideration Resolution No 180-12, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 180-12 : “Authorizing the Mayor or City Manager to receive and administer funds in the amount of $20,000 from the West Virginia Division of Justice and Community Services to assist MDENT with prescription drug investigations.”

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

That the Mayor or City Manager is hereby authorized and directed to receive and administer funds in the amount of $20,000 from the West Virginia Division of Justice and Community Services to assist MDENT with prescription drug investigations.

*With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the Resolution No. 180-12, adopted.*

4. Your Committee on Finance has had under consideration Resolution No 181-12, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 181-12 : “Authorizing the Mayor or City Manager to receive and administer funds in the amount of $50,000 from the West Virginia Division of Justice and Community Services to partially reimburse MDENT salaries to the Charleston, South Charleston, St. Albans, and Nitro police departments.”

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

That the Mayor or City Manager is hereby authorized and directed to receive and administer funds in the amount of $50,000 from the West Virginia Division of Justice and Community Services to partially reimburse MDENT salaries to the Charleston, South Charleston, St. Albans, and Nitro police departments.

*With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the Resolution No. 181-12, adopted.*

5. Your Committee on Finance has had under consideration Resolution No 182-12, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 182-12 : “Authorizing the Finance Director to allocate funds in the amount of $152,500.00 for acquisition of three (3) HOME projects in the City of 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 $152,500.00 for acquisition of three (3) HOME projects in the following locations:

West Side $47,000.00

Oakwood Road $43,500.00

East End $62,000.00

*The question being on the adoption of the resolution. A roll call was taken and there were; yeas –27, absent - 1, as follows:*

*YEAS: Burka, Burton, Clowser, Davis,Deneault, Dodrill, Ealy,Haas, Harrison, Kirk, Lane, Miller, Nichols, Persinger, Reishman, Richardson, Russell, Salisbury, Sheets, Smith, Snodgrass,Stajduhar, Talkington, Ware, Weintraub,White, Mayor Jones.*

*ABSENT: Minardi*

*With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resoltution No. 182-12.*

6. Your Committee on Finance has had under consideration Resolution No 183-12, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 183-12 : “Authorizing the Mayor or City Manager to sign a Grant Agreement with the West Virginia Division of Justice and Community Services to receive a Justice Assistance Grant (JAG) in the amount of $25,000.00 to provide a House tech for REA of Hope for the period July 1, 2012 through June 30, 2013.”

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

That the Mayor or City Manager is hereby authorized and directed to sign a Grant Agreement with the West Virginia Division of Justice and Community Services to receive a Justice Assistance Grant (JAG) in the amount of $25,000.00 to provide a House tech for REA of Hope for the period July 1, 2012 through June 30, 2013.

*The question being on the adoption of the resolution. A roll call was taken and there were; yeas –27, absent - 1, as follows:*

*YEAS: Burka, Burton, Clowser, Davis,Deneault, Dodrill, Ealy,Haas, Harrison, Kirk, Lane, Miller, Nichols, Persinger, Reishman, Richardson, Russell, Salisbury, Sheets, Smith, Snodgrass,Stajduhar, Talkington, Ware, Weintraub, White, Mayor Jones.*

*ABSENT: Minardi*

*With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resoltution No. 183-12.*

7. Your Committee on Finance has had under consideration Resolution No 184-12, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 184-12 : A Resolution ratifying the consent to assignment of the May 18, 2012, Agreement for Resurfacing Various City Streets between the City of Charleston (“City”) and Blacktop Industries (“Blacktop”) to West Virginia Paving, Inc. (“WV Paving”);

WHEREAS, on May 7, 2012, Charleston City Council authorized a contract with Blacktop, the lowest responsible bidder, for resurfacing various City streets; and

WHEREAS, on or about May 18, 2012, the City and Blacktop entered into an agreement for those services (the “Paving Agreement”); and

WHEREAS, based upon information provided by Blacktop and WV Paving, after executing the agreement, but prior to performing services thereunder, an asset acquisition occurred between Blacktop and WV Paving wherein WV Paving acquired certain assets and executory contracts of Blacktop including the Paving Agreement and WV Paving agreed to assume all obligations of Blacktop under the assigned executory contracts including the Paving Agreement; and

WHEREAS, WV Paving was the second lowest responsible bidder for the 2012 paving contract and has successfully performed similar services for the City in the past; and

WHEREAS, under the assignment, WV Paving has agreed to perform the street resurfacing under the same terms (including, but not limited to, price), conditions, duties, responsibilities and liabilities as set forth in the Paving Agreement; and

WHEREAS, in order to meet the City’s paving schedule it was necessary to begin paving no later than July 30, 2012; and

WHEREAS, the City Manager, and the City Engineer determined that it would be in the best interest of the City to consent to the assignment of the Paving Agreement with Blacktop to WV Paving consistent with the terms and conditions set forth in the Consent to Assignment and Agreement to Assume Duties and Responsibilities Under Agreement for Resurfacing Various City Streets Dated May 18, 2012, attached hereto as Exhibit A.

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

That the consent to assignment of the May 18, 2012, Agreement for Resurfacing Various City Streets, between the City of Charleston and Blacktop Industries, to West Virginia Paving, Inc. is hereby ratified.

*With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the Resolution No. 184-12, adopted.*

8. . Your Committee on Finance has had under consideration a purchase of four (4) 2013 Harley-Davidson motorcycles from Harley-Davidson Kawasaki of West Virginia, Inc., in the amount of $27,698, in exchange for four (4) 2009 Harley-Davidson motorcycles. The new motorcycles will be used in the Traffic Enforcement Division of the Charleston Police Department. To be charged to Account No. 001-976-00-700-4-459, Police—Capital Outlay, Equipment*, a*nd 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.*

**REPORTS OF OFFICERS**

1. Report of the City of Charleston, Municipal Court Financial Statements; July 2012.

Received and Filed.

**NEW BILLS**

Introduced by Council member Mary Jean Davis and Jack Harrison on August 6, 2012:

Bill No. 7532 – A Bill closing, abandoning and vacating as a public right of way a portion of Parcel 62 as shown on Tax Map 6, Charleston South Annex Tax District, Kanawha County, West Virginia; Conveying said portion of the right of way to the abutting property owner Kroger Company, consistent with the terms and conditions herein.

Refer to Municipal Planning Commission and Finance Committee.

Introduced by Council member Marc Weintraub on August 6, 2012:

Bill No. 7533: “A BILL to amend Chapter 62, Article II of the Code of the City of Charleston updating policies and procedures for the operation of the City of Charleston Human Rights Commission.

Refer to Ordinance and Rules Committee

Introduced by Council members Robert Sheets and Bob White on August 6, 2012:

Bill No. 7534 - A Bill to create a No Parking Zone from 12 AM to

6 AM on the Easterly side of Goshorn Street from Virginia Street to a point 62 feet south of Virginia Street 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 Council members Tom Lane, Courtney Persinger and Chris Dodrill on August 6, 2012:

Bill No. 7535: “A BILL approving the acceptance of the gift from Jane Callicoat Saluta of a tract of vacant land known as the Saluta East Fern Parcel, as more fully described in the attached deed, said property to be managed by the Charleston Land Trust as part of the Sunrise Carriage Trail property; and authorizing the Mayor to execute the attached deed and any other documents necessary for the acceptance of the Saluta East Fern Parcel.

Refer to Finance Committee

Introduced by Council members Mary Jean Davis and Jack Harrison on August 6, 2012:

Bill No. 7536 : “A BILL authorizing the Mayor to transfer by deed all ownership rights and interests of the City in two parcels of land to the Kroger Co. in exchange for the sum of $53,700.00;

Refer to Finance Committee

**ROLL CALL**

*The Clerk called the roll:*

*YEAS: Burka, Burton, Clowser, Davis, Deneault, Dodrill, Ealy,Haas, Harrison, Kirk, Lane, Miller, Nichols, Persinger, Reishman, Richardson, Russell, Salisbury, Sheets, Smith, Snodgrass,Stajduhar, Talkington, Ware, Weintraub, White, Mayor Jones.*

*ABSENT: Minardi*

At 7:25p.m., by a motion from Councilmember Harrison, Council adjourned until Monday,

August 20, 2012, at 7:00 p.m.

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Danny Jones, Honorable Mayor

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James M. Reishman, City Clerk