

The regular meeting of the City Council of the City of St. Albans, West Virginia, was held in Council Chambers, 51 Sixth Avenue, Monday, April 2, 2012. Mayor Callaway called the meeting to order at 7:30 p.m.

PRESENT:

Mayor Dick Callaway
 Councilman Jerry Cogar
 Councilwoman Helen Warren
 Councilman Kevin Pennington
 Councilman Desper Lemon
 Councilman Ron Colby
 Councilwoman Cheryl Thomas
 Councilman Steve Donelson
 Councilman John Boles
 Councilwoman Loretta Griffith

Charles Riffie, City Attorney
 Veronica Westfall, City Recorder
 Steve Parsons, Fire Chief
 Mike Matthews, Police Chief
 Charles Roberts, Building/Zoning Official
 Orville Browning, Director of Public Works
 Kathy Barnett, Senior Services Director

ABSENT:

Councilman Robert Keiffer
 Councilman JD Adkins
 Councilman Dan Cain
 Scott Tweedy, Parks Director
 Barbara Cunningham, City Clerk/Treasurer

INVOCATION & PLEDGE OF ALLEGIANCE:

Mayor Callaway gave the invocation, and Councilman Boles led the Pledge of Allegiance.

AMEND AGENDA TO ADD MUC OFFICES CLOSING FOR LUNCH:

Councilman Cogar requested to amend the agenda to add as item #4 under New Business "MUC Offices to close for lunch". Members of Council agreed to amend the agenda.

APPROVAL OF THE MINUTES:

Mayor Callaway asked if there were any additions or corrections to the minutes of the City Council meeting held on March 19, 2012. Being none, Councilman Pennington moved, seconded by Councilman Boles, the minutes be approved. Motion carried.

Mayor Callaway asked if there were any additions or corrections to the minutes of the special City Council meeting held on March 28, 2012. Being none, Councilman Boles moved, seconded by Councilman Lemon, the minutes be approved. Motion carried.

AUTHORIZATION FOR MAYOR TO SIGN IRS FORM 803(8) FOR MUC:

Michael Griffith, CPA for the MUC, addressed Council regarding needing Council to authorize the Mayor's signature on a form required by the IRS regarding the 2010 stimulus bonds that were issued to finance the water improvement project. Mr. Griffith stated that the governing body (City) would be issued the refund in an amount of \$147,000. Councilwoman Warren moved to authorize the Mayor to sign the form; Councilwoman Griffith seconded. Motion carried.

Mayor Callaway stated that Mr. Griffith would be at the next Council meeting to give an update on the financing issues of the water improvement projects. Mr. Griffith stated that he would be requesting Council to approve the recommendation to pay off the number 2 series bonds one year early, as well as to pay off the bonds that were issued in 2000. This will save the City/MUC interest money. Mr. Griffith further reported that he will be brining the MUC's budget to the Finance Committee for their review and Council's approval.

April 2, 2012

RESOLUTION REGARDING CAMPAIGN CONTRIBUTIONS AS IT RELATES TO THE US SUPREME COURT'S DECISION IN CITIZENS UNITED V. FEDERAL ELECTION COMMITTEE:

Councilman Donelson recognized Barbara Frierson, 811 Dinden Drive, who addressed Council regarding her request to have Council support a resolution disagreeing with the US Supreme Court's decision in Citizen's United v. Federal Election Commission. Her summary is attached, and the resolution is as follows:

CITY OF SAINT ALBANS
RESOLUTION 2012 - _____

A RESOLUTION OPPOSING THE U.S. SUPREME COURT'S INTERPRETATION OF THE CONSTITUTION IN THE *CITIZENS UNITED* CASE, SUPPORTING AN AMENDMENT TO THE CONSTITUTION TO PROVIDE THAT CORPORATIONS ARE NOT ENTITLED TO THE ENTIRETY OF PROTECTIONS OR RIGHTS OF NATURAL PERSONS, AND SPECIFYING THAT EXPENDITURE OF CORPORATE MONEY TO INFLUENCE THE ELECTORAL PROCESS IS NO LONGER A FORM OF CONSTITUTIONALLY PROTECTED SPEECH.

WHEREAS, In 2010 the United States Supreme Court issued its decision in *Citizens United v. Federal Election Committee*, holding that independent spending on elections by corporations and other groups could not be limited by government regulations; and

WHEREAS, this decision rolled back the legal restrictions on corporate spending in the electoral process, allowing for unlimited corporate spending to influence elections, candidate selection, and policy decisions; and

WHEREAS, in reaching this decision, a majority of the Supreme Court, relying on prior decisions, interpreted the First Amendment of the Constitution to afford corporations the same free speech protections as natural persons; and

WHEREAS, in his eloquent dissent, Justice John Paul Stevens rightly recognized that "corporations have no consciences, no beliefs, no feelings, no thoughts, no desires. Corporations help structure and facilitate the activities of human beings, to be sure, and their 'personhood' often serves as a useful legal fiction. But they are not themselves members of 'We the People' by whom and for whom our Constitution was established;" and

WHEREAS, the Court's decision in *Citizens United* severely hampers the ability of federal, state and local governments to enact reasonable campaign finance reforms and regulations regarding corporate political activity; and

WHEREAS, corporations should not be afforded the entirety of protections or "rights" of natural persons, such that the expenditure of corporate money to influence the electoral process is a form of constitutionally protected speech; and

WHEREAS, several proposed amendments to the Constitution have been introduced in Congress that would allow government to regulate the raising and spending of money by corporations and wealthy individuals to influence elections;

NOW LET IT THEREFORE BE RESOLVED that the City of Saint Albans West Virginia opposes the Supreme Court's interpretation of the Constitution in *Citizens United* regarding the constitutional rights of corporations, and supports amending the Constitution to provide that corporations are not entitled to the entirety of protections or "rights" of natural persons, specifically so that the expenditure of corporate money to influence the electoral process is no longer a form of constitutionally protected speech, and calls on Congress to begin the process of amending the Constitution; and,

BE IT FURTHER RESOLVED that the City Clerk of the City of Saint Albans shall forward a copy of this resolution to the Clerks of the West Virginia Senate and West Virginia House of Delegates, and to members of Congress from West Virginia.

ATTEST

Dick Callaway
Mayor, City of Saint Albans

Barbara Cunningham
City Clerk

Councilman Donelson moved for approval; Councilman Colby seconded.
Councilman Pennington stated he would like additional time to research this matter before voting. Being no further discussion, motion carried.

April 2, 2012

RESOLUTION REGARDING GRANT FOR THE PRO OFFICER AT SAHS:

Attorney Riffie presented the following resolution for approval:

Resolution No. _____

The Council of the City of St. Albans met on April 2, 2012 with a quorum present and passed the following resolution:

Be it resolved that the City Council hereby authorizes Richard Callaway, Mayor, of the City of St. Albans, to act on its behalf to enter into a contractual agreement with the Division of Justice and Community Services to apply for grant funds pursuant to provisions of the Justice Assistance Grant (JAG) Program.

Mayor

City Clerk

Mayor Callaway stated this was to apply for grant funds for the PRO Officer at SAHS. Councilman Boles moved for approval; Councilwoman Warren seconded. Motion carried.

MUC OFFICES ONLY TO CLOSE FOR LUNCH:

Councilman Cogar moved to close the MUC Offices only (Not City Hall) for lunch 11:30 a.m. – 12:30 p.m.; Councilman Lemon seconded. Mayor Callaway stated this would go into effect after the billing in May and letters would be sent out informing customers of the change in office hours. Motion carried.

FINANCE COMMITTEE REPORT & RECOMMENDATIONS:**Payment of current invoices:**

Councilman Boles moved for approval of payment of current invoices in the amount of \$17,775.47; Councilman Pennington seconded. Motion carried.

Payment for repairs to ladder truck for Fire Department:

Councilman Boles moved for approval of payment to All American Fire Equipment in the amount of \$12,449.90 for emergency repairs to Fire Department Ladder Truck to be paid from line item 441-459; Councilwoman Griffith seconded. Motion carried.

Renew banking services with BB&T for additional 2 years:

Councilman Boles moved to renew the banking services with BB&T for an additional 2 years; Councilman Pennington seconded. Motion carried.

CITY COUNCIL COMMITTEE & DEPARTMENT HEAD REPORTS & LETTERS:**Skinner Drive:**

Upon question posed by Councilman Colby, Attorney Riffie stated the deed with the legal description for Skinner Drive was received, and now the trustees at St. Mark's Church need to meet and sign the deed.

Letter of appreciation from Alban School commending SAPD:

Mayor Callaway reported he had received a thank you note from the principal of Alban Elementary commending the officers for their services in assisting students during the morning drop off to school.

Parks Committee:

Councilwoman Griffith reported on the following:

- Easter Egg hunt this Saturday

Darryl Logan

Councilman-at-Large

John A. Lyles

Councilman-at-Large

Helen Warren

Councilman-at-Large

Ward 1

Ward 2

Mark Kelly

Ward 3

Cheryl Thomas

Ward 4

Dan Cain, Jr.

Ward 5

Loretta Griffith

Ward 6

Deshaun D. Lemon

Ward 7

Kevin P. King

Ward 8

Stephene W. W. W.

Ward 9

April 2, 2012

- Dog park & City park opening April 28th
- Roofs at the park facilities have been replaced

Councilman Pennington reported that opening day for little league will be this Saturday, and invited Mayor Callaway to throw out the first pitch.

Public Works Committee:

Councilwoman Warren reported that the Public Works Department has been demolishing and removing condemned property.

Hansford/Senior Board:

Councilwoman Warren reported that the Easter program will be this Friday. Kathy Barnett reported their will be an appreciation luncheon on April 10th and invited members of Council to attend.

Public Safety/Fire Committee:

Councilman Lemon reported that they have discussed and referred to the city attorney for further review the rapid response contract presented to the committee by Chief Parsons.

ANNOUNCEMENTS:

Mayor Callaway made the following announcements:

- Drug Task Force, Tuesday, April 3rd at 10:00 a.m. in the MUC Conference Room.
- Finance Cmte., Monday, April 9th at 4:30 p.m. in the MUC Conference Room.
- Senior Board, Tuesday, April 10th at 10:30 p.m. at the Hansford Center.
- Public Works Cmte., Wednesday, April 11th at 8:30 a.m. at the City Garage.
- Parks Cmte., Wednesday, April 11th at 7:00 p.m. at the Hansford Center.
- Ordinance Cmte., Monday, April 16th at 6:45 p.m. in the Council Chambers.
- City Council, Monday, April 16th at 7:30 p.m. in the Council Chambers.
- Lay the Levy, Tuesday, April 17th at 5:15 p.m. in the MUC Conference Room.
{Must have a quorum.}
- MUC Board, Tuesday, April 17th at 5:30 p.m. in the MUC Conference Room.

PUBLIC FORUM:

Christine Ellis, 2631 Forrestal Avenue:

Ms. Ellis thanked the SAPD and members of Council for their efforts in starting the Neighborhood Watch program.

Emma Ellis, 412 C Street:

Ms. Ellis thanked members of Council for their efforts in assisting with a problem in her neighborhood.

ADJOURNMENT:

Being no further business, Councilman Colby moved, Councilman Pennington seconded, the meeting adjourned at 8:15 p.m.


MAYOR


CITY CLERK

SAINT ALBANS CITY COUNCIL – RESOLUTION DISAGREEING WITH THE SUPREME COURT'S DECISION IN *CITIZENS UNITED V. FEDERAL ELECTION COMMISSION*

Barbara Frierson
811 Dinden Drive (Ward 9)
Saint Albans, WV
304 722-4731

Thank you for allowing me to speak in support of the Resolution before you. I represent the views of my friends and neighbors present here tonight, and others who support the resolution but could not attend this meeting.

I will give you a brief background on the Supreme Court's *Citizens United* decision, and explain why we believe it is necessary and appropriate for us to take a position on it here at the local level.

On January 21, 2010, in a 5 - 4 decision, the U S Supreme Court ruled that corporations and unions have the same political speech rights as individuals under the First Amendment. It found no compelling interest for government to prohibit corporations from using their general treasury funds to make election-related expenditures. In doing this, the Court struck down an existing federal law (the McCain-Feingold Campaign Reform Act of 2002) banning this practice, overruled two of its own prior decisions in 1990 and 2003, and called into question laws in 24 states that prohibit corporations from making independent expenditures from their general treasury.

In the majority opinion, the Court took the position that government should not stand in the way of corporations putting unlimited funds into Political Action Committees. They stated that a ban on independent expenditures is a ban on speech, and that contrary to the rulings of earlier Courts, such expenditures do not give rise to corruption or the appearance of corruption.

Justice Stevens wrote the 90-page dissenting opinion, joined by three others. In it they argued that the ruling “threatens to undermine the integrity of elected institutions across the Nation...A democracy cannot function effectively when its members believe laws are being bought and sold.” It noted that the new ruling mistakenly gives interchangeable protections under the First Amendment to corporations and people, and fails to recognize that in the real world corporations coordinate advertising with

government to make laws and regulations preserving their profits rather than the overall well-being of the local economy. Events so far in the Republican primaries have shown how corporate-funded Super PACs use their money to twist the truth and advertise lies in an attempt to defeat opponents.

Many of us believe that a constitutional amendment is the best long-term solution to reverse the *Citizens United* decision, restore our rights, and assert once and for all that democracy is for people, not corporations. Support for an amendment is growing quickly. So far more than 1 million people have signed petitions in favor of an amendment; several states have adopted resolutions like the one before you, and eleven proposed amendments have been submitted in the U S Congress. This is a grassroots effort: cities and counties all over the country have already passed resolutions, including Prince George's County (Maryland), Asheville (North Carolina), Athens (Ohio), Lancaster (Pennsylvania) – and West Virginia. The cities of Martinsburg and Charles Town approved resolutions, as did the Jefferson County Commission, in February and March this year. These cities and counties are now getting national attention, and are part of the groundswell working to restore our democracy so that “we the people” are once again in charge of our future.

The resolution proposed for Saint Albans is the same as the one approved in Charles Town, and the one introduced in the WV House of Delegates and Senate in the session just ended. It had 51 sponsors in the House, and 10 in the Senate, including Speaker Rick Thompson. We ask that you consider its importance and approve the resolution.

REFERENCES

www.DemocracyIsForPeople.org

www.lwv.org (League of Women Voters)

WHY CORPORATIONS ARE NOT PEOPLE

In 2010 the 5 concurring justices wrote in Citizens United that they based their decision that corporations have free speech rights on the 14th Amendment which in order to protect freed slaves begins: "Section 1. All persons born or naturalized in the United States, and subject to jurisdiction thereof, are citizens of the United States....." It was supposedly cited in an 1886 case about taxing railroads and was used as precedent for last year's decision. That argument has been well rebutted in Thom Hartmann's Unequal Protection as I will paraphrase here:

- 1) Corporations cannot be born or naturalized or become citizens. The amendment obviously was meant to apply to real human persons, ex-slaves.
- 2) The reference to the 14th Amendment quoted by the justices occurred only in a brief commentary placed there by the court reporter. It has no legal standing whatsoever. Contrary to that brief note, the justices specifically ruled they were not considering constitutional issues, but only tax issues.
- 3) In all prior use of common law, starting in Britain and accepted here, corporations, churches and other legal entities are referred to as artificial persons, to give them a legal name to be able to tax and regulate them. From their beginning they were completely distinct from natural persons, which is what we are.
- 4) The East India Company, the villain in the Boston Tea party, was a corporation. Our founding fathers were disgusted with corporations, and gave them no privileged treatment.
- 5) Our rights as enumerated in the Constitution are inherent in us as human beings. The Constitution doesn't give us rights; it restrains governments from infringing on them.
- 6) The Constitution does not include even one mention of the word corporation.
- 7) Corporations only have the privileges given to them in their charters which can be, and in the past have been, revoked.

- Hedda Haning
WV for Democracy
2012