

JOURNAL
OF THE
COUNCIL
CITY OF CHARLESTON

WEST VIRGINIA

February 7, 2005

THE COUNCIL MET IN CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE FIRST MEETING IN THE MONTH OF FEBRUARY ON THE 7th DAY, IN THE YEAR 2005, AND WAS CALLED TO ORDER BY THE HONORABLE MAYOR, DANNY JONES. THE INVOCATION WAS DELIVERED HARRY DEITZLER, AND THE PLEDGE OF ALLEGIANCE WAS LED BY TERESA REED.

THE CLERK CALLED THE ROLL AND THE FOLLOWING MEMBERS ANSWERED TO THEIR NAMES:

CHESTNUT

HIGGINS

LANHAM

MILLER

NIELSEN

ROBERTSON

WARE

MAYOR JONES

CLOWSER

EALY

HARRIS

JONES

LOEB

MONROE

REED

SADD

WEINTRAUB

DEITZLER

HALL

HARRISON

LANE

MORTON

MARKHAM

REISHMAN

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.

FEBRUARY 7, 2005, FIRST MEETING

PUBLIC SPEAKERS

1. NONE.

CLAIMS

1. A claim of James Spencer, 228 Baker Lane, Charleston, WV; alleges damage to vehicle. Refer to City Solicitor.

2. A claim of Alex and Kimberly Lawrence, 2100 Kanawha Ave. SE., Charleston, WV; alleges damage to property. Refer to City Solicitor.

3. A claim of Naomi Ingram, 404 Russell St., Charleston, WV; alleges damage to property. Refer to City Solicitor.

1. A claim of Mary Warp, 2418 McKinley Ave., St. Albans, WV; alleges personal injury. Refer to City Solicitor.

5. A claim of Shelby Davis, 209 Rhone Street., Charleston, WV; alleges damage to property. Refer to City Solicitor.

COMMUNICATIONS

The Mayor read the following Public Hearing:

After duly being published as required, I now declare the floor open for a Public Hearing on Resolution No. 765-05, a Resolution supplementing Ordinance No. 7123, passed by Council on January 18, 2005, for Parking System Refunding Revenue Bonds, providing for matters relating to the Notes and the Series 2005 Bonds not set forth in the Ordinance to be approved by the supplemental resolution for the issuance of not more than \$2,885,000 in Parking System Bond Anticipation Notes; and not more than \$12,885,000 in aggregate principal amount of Parking System Refunding Revenue Bonds, Series 2005 A and Series 2005 B.

There being no one from the Public to speak the Mayor declared the Public Hearing on Resolution No. 765-05 Closed.

The Mayor read the following Public Hearing:

After duly being published as required, I now declare the floor open for a Public Hearing on Resolution No. 760-05, ratifying, approving and confirming resolutions, approved by Council on September 7, 2004 and January 18, 2005, authorizing issuance of Multifamily Housing Revenue Bonds for the Vista View Apartments Housing Project, and authorizing the Mayor to sign Resolution No. 760-05, confirming that all requirements have been met in respect to issuance of the bonds.

There being no one from the Public to speak the Mayor declared the Public Hearing on Resolution No. 760-05 Closed.

The Clerk read the following appointments.

To: James Reishman
City Clerk

From: Danny Jones
Mayor

Re: Charleston Convention and Visitors Bureau Board

Date: February 7, 2005

I recommend that Thomas Bird, Charleston Town Center Mall, 3000 Charleston Town Center, Charleston, WV 25389, be appointed to the Charleston Convention and Visitors Bureau Board, with an initial term to expire February 7, 2006.

I respectfully request that you forward this information to the City Council.

Council approved the appointment.

To: James Reishman
City Clerk

From: Danny Jones
Mayor

Re: Charleston Convention and Visitors Bureau Board

Date: February 7, 2005

I recommend that Greg Bolles, Residence Inn, 200 Hotel Circle, Northgate Business Park, Charleston, WV 25311, be appointed to the Charleston Convention and Visitors Bureau Board, with an initial term to expire February 7, 2008.

I respectfully request that you forward this information to the City Council.

Council approved the appointment.

To: James Reishman
City Clerk

From: Danny Jones
Mayor

Re: Charleston Convention and Visitors Bureau Board

Date: February 7, 2005

I recommend that Gary Chernenko, 1616 Autumn Road, Charleston, WV 25314, be appointed to the Charleston Convention and Visitors Bureau Board, with an initial term to expire February 7, 2008.

I respectfully request that you forward this information to the City Council.

Council approved the appointment.

To: James Reishman
City Clerk

From: Danny Jones
Mayor

Re: Charleston Convention and Visitors Bureau Board

Date: February 7, 2005

I recommend that Mary Jean Davis, Charleston City Council, 1527 Dogwood Road, Charleston, WV 25311, be appointed to the Charleston Convention and Visitors Bureau Board, with an initial term to expire February 7, 2007.

I respectfully request that you forward this information to the City Council.

Council approved the appointment.

To: James Reishman
City Clerk

From: Danny Jones
Mayor

Re: Charleston Convention and Visitors Bureau Board

Date: February 7, 2005

I recommend that Richard Eaton, Holiday Inn Charleston House, Kanawha Boulevard, East, Charleston, WV 25301, be appointed to the Charleston Convention and Visitors Bureau Board, with an initial term to expire February 7, 2007.

I respectfully request that you forward this information to the City Council.

Council approved the appointment.

To: James Reishman
City Clerk

From: Danny Jones
Mayor

Re: Charleston Convention and Visitors Bureau Board

Date: February 7, 2005

I recommend that Sen. Dan Foster, Room 223-W, Building 1, 1900 Kanawha Boulevard, East, Charleston, WV 25305, be appointed to the Charleston Convention and Visitors Bureau Board, with an initial term to expire February 7, 2007.

I respectfully request that you forward this information to the City Council.

Council approved the appointment.

To: James Reishman
City Clerk

From: Danny Jones
Mayor

Re: Charleston Convention and Visitors Bureau Board

Date: February 7, 2005

I recommend that Georgette George, Ramada Plaza Hotel, 400 2nd Avenue, South Charleston, WV 25303, be appointed to the Charleston Convention and Visitors Bureau Board, with an initial term to expire February 7, 2006.

I respectfully request that you forward this information to the City Council.

Council approved the appointment.

To: James Reishman
City Clerk

From: Danny Jones
Mayor

Re: Charleston Convention and Visitors Bureau Board

Date: February 7, 2005

I recommend that Ted Lawson, National Travel Service, 100 Bank One Plaza, Charleston, WV 25301, be appointed to the Charleston Convention and Visitors Bureau Board, with an initial term to expire February 7, 2007.

I respectfully request that you forward this information to the City Council.

Council approved the appointment.

To: James Reishman
City Clerk

From: Danny Jones
Mayor

Re: Charleston Convention and Visitors Bureau Board

Date: February 7, 2005

I recommend that Steve Lemmerman, Charleston Marriott Hotel, 200 Lee Street, Charleston, WV 25301, be appointed to the Charleston Convention and Visitors Bureau Board, with an initial term to expire February 7, 2008.

I respectfully request that you forward this information to the City Council.

Council approved the appointment.

To: James Reishman
City Clerk

From: Danny Jones
Mayor

Re: Charleston Convention and Visitors Bureau Board

Date: February 7, 2005

I recommend that Drew Payne, Charleston Civic Center Board of Directors, 300 Capitol Street, Suite 1503, Charleston, WV 25301, be appointed to the Charleston Convention and Visitors Bureau Board, with an initial term to expire February 7, 2006.

I respectfully request that you forward this information to the City Council.

Council approved the appointment.

To: James Reishman
City Clerk

From: Danny Jones
Mayor

Re: Charleston Convention and Visitors Bureau Board

Date: February 7, 2005

I recommend that Peggy Pope, 406 Abbey Drive, Charleston, WV 25314, be appointed to the Charleston Convention and Visitors Bureau Board, with an initial term to expire February 7, 2006.

I respectfully request that you forward this information to the City Council.

Council approved the appointment.

To: James Reishman
City Clerk

From: Danny Jones
Mayor

Re: Charleston Convention and Visitors Bureau Board

Date: February 7, 2005

I recommend that Teresa Reed, Charleston City Council, 1207 Park Avenue, Charleston, WV 25314, be appointed to the Charleston Convention and Visitors Bureau Board, with an initial term to expire February 7, 2007.

I respectfully request that you forward this information to the City Council.

Council approved the appointment.

To: James Reishman
City Clerk

From: Danny Jones
Mayor

Re: Charleston Convention and Visitors Bureau Board

Date: February 7, 2005

I recommend that Steve Summer, West Virginia Hospital Association, 100 Association Drive, Charleston, WV 25311, be appointed to the Charleston Convention and Visitors Bureau Board, with an initial term to expire February 7, 2008.

I respectfully request that you forward this information to the City Council.

Council approved the appointment.

To: James Reishman
City Clerk

From: Danny Jones
Mayor

Re: Charleston Convention and Visitors Bureau Board

Date: February 7, 2005

I recommend that Tom Susman, 122 Capital Street, Charleston, WV 25311, be appointed to the Charleston Convention and Visitors Bureau Board, with an initial term to expire February 7, 2006.

I respectfully request that you forward this information to the City Council.

Council approved the appointment.

MISCELLANEOUS RESOLUTIONS

NONE.

REPORTS OF STANDING COMMITTEES

FINANCE

Councilman Robert Reishman, Chairman of the Council Committee on Finance, submitted the following reports.

1. Your Committee on Finance has had under consideration Resolution No. 747-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 747-05: "Authorizing the Mayor to sign a grant request in the amount of \$65,014.50 to be submitted to the West Virginia Department of Highways Recreational Trails Program for construction of the Cato Park Trail."

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

That the Mayor is hereby authorized and directed to sign a grant request in the amount of Sixty-five Thousand Fourteen Dollars and Fifty Cents (\$65,014.50) to be submitted to the West Virginia Department of Highways Recreational Trails Program for construction of the Cato Park Trail.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 747-05, adopted.

2. Your Committee on Finance has had under consideration Resolution No. 748-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 748-05 : “Authorizing the Mayor to enter into a contract with Gabriel, Roeder, Smith & Company, in the amount of \$12,000, 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 Statements 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 a contract with Gabriel, Roeder, Smith & Company, in the amount of Twelve Thousand Dollars (\$12,000), to conduct an Actuarial Valuation of the City’s Health Plan for Other Post Employment Benefits other than pension benefits in accordance with Actuarial Standards of Practice (ASOP) and Governmental Accounting Standards Board Statements Nos. 43 and 45.

The ASOP will become effective for the City in December 2007 and must be implemented for fiscal year ended June 30, 2008; however, the Governmental Accounting Standards Board recommends earlier implementation. The City will be required to have an actuarial valuation every two years under these standards.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 748-05, adopted.

3. Your Committee on Finance has had under consideration Resolution No. 749-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 749-05 : “Authorizing the Mayor to enter into a contract with Smith, Cochran & Hicks, PLLC, in an amount not to exceed \$4,275, for an Agreed Upon Procedures Engagement for the Solid Waste Facility, operated by Landfill Services of Charleston, Inc., for the calendar year ended December 31, 2004.”

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 Smith, Cochran & Hicks, PLLC, in an amount not to exceed Four Thousand Two Hundred Seventy-five Dollars (\$4,275), for an Agreed Upon Procedures Engagement for the Solid Waste Facility, operated by Landfill Services of Charleston, Inc., for the calendar year ended December 31, 2004.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 749-05, adopted.

4. Your Committee on Finance has had under consideration Resolution No. 750-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 750-05 : “Authorizing the Mayor to enter into a contract with Jimmy A. Dunn Excavating Company, in the amount of \$349,884, for the Morris / Smith Streets

Parking Lot 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 a contract with Jimmy A. Dunn Excavating Company, in the amount of Three Hundred Forty-nine Thousand Eight Hundred Eighty-four Dollars (\$349,884), for the Morris / Smith Streets Parking Lot Project.

The question being on the adoption of the Resolution a vote was taken. There being one dissent from Markham the Mayor declared Resolution No. 750-05, adopted.

5. Your Committee on Finance has had under consideration Resolution No. 751-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 751-05: “Authorizing the Mayor to enter into a contract with Oval Construction Management, LLC, in the amount of \$213,200, for the Kanawha Boulevard Retaining Wall / Sidewalk Replacement 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 a contract with Oval Construction Management, LLC, in the amount of Two Hundred Thirteen Thousand Two Hundred Dollars (\$213,200), for the Kanawha Boulevard Retaining Wall / Sidewalk Replacement Project.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 751-05, adopted.

6. Your Committee on Finance has had under consideration Resolution No. 752-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 752-05: “Authorizing the Mayor to enter into a contract with B.B.R. Drilling Company, in the amount of \$198,798, for the Market Drive Retaining Wall 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 a contract with B.B.R. Drilling Company, in the amount of One Hundred Ninety-eight Thousand Seven Hundred Ninety-eight Dollars (\$198,798), for the Market Drive Retaining Wall Project.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 752-05, adopted.

7. Your Committee on Finance has had under consideration Resolution No. 753-05, and

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

Resolution No. 753-05: “Authorizing the Mayor to sign an Agreement with B.B.R. Drilling Company, in the amount of \$68,300, for the emergency repair of a slip on Hanshaw Drive.”

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

That the Mayor is hereby authorized and directed to sign an Agreement with B.B.R. Drilling Company, in the amount of Sixty-eight Thousand Three Hundred Dollars (\$68,300), for the emergency repair of a slip on Hanshaw Drive.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 753-05, adopted.

8. Your Committee on Finance has had under consideration Resolution No. 754-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 754-05: “Authorizing the Mayor to sign a grant agreement with the West Virginia Department of Transportation, Division of Motor Vehicles, for receipt of \$15,491 in funding under the fiscal year 2004-2005 to continue the West Virginia Child Passenger Safety Program. The funding will be used for the coordinator’s salary and to provide travel and training for the Child Passenger Safety Courses being offered statewide.”

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

That the Mayor is hereby authorized and directed to sign a grant agreement with the West Virginia Department of Transportation, Division of Motor Vehicles, for receipt of Fifteen Thousand Four Hundred Ninety-one Dollars (\$15,491) in funding under the fiscal year 2004-2005 to continue the West Virginia Child Passenger Safety Program. The funding will be used for the coordinator’s salary and to provide travel and training for the Child Passenger Safety Courses being offered statewide.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 754-05, adopted.

9. Your Committee on Finance has had under consideration Resolution No. 755-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 755-05: “Authorizing the Mayor to sign a grant agreement with the West Virginia Department of Transportation, Division of Motor Vehicles, for receipt of \$59,110 in funding for fiscal year 2004-2005 for the South Central Highway Safety Safe Community Program. The funding will be used for the coordinator’s salary, to provide overtime funding for DUI, occupant protection enforcement and educational programs in the four county

area (Kanawha, Clay, Boone, and Logan counties).”

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

That the Mayor is hereby authorized and directed to sign a grant agreement with the West Virginia Department of Transportation, Division of Motor Vehicles, for receipt of Fifty-nine Thousand One Hundred Ten Dollars (\$59,110) in funding for fiscal year 2004-2005 for the South Central Highway Safety Safe Community Program. The funding will be used for the coordinator’s salary, to provide overtime funding for DUI, occupant protection enforcement and educational programs in the four county area (Kanawha, Clay, Boone, and Logan counties).

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 755-05, adopted.

10. Your Committee on Finance has had under consideration Resolution No. 756-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 756-05: “Authorizing the Mayor to enter into an Agreement with the Charleston Sanitary Board, in the amount of \$35,899.35, to extend the sewer line on Lewis Street, west of Morris Street, approximately 430 feet.”

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 Charleston Sanitary Board, in the amount of Thirty-five Thousand Eight Hundred Ninety-nine Dollars and Thirty-five Cents (\$35,899.35), to extend the sewer line on Lewis Street, west of Morris Street, approximately 430 feet.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 756-05, adopted.

11. Your Committee on Finance has had under consideration Resolution No. 757-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 757-05: “Authorizing the Finance Director to make revisions to the 2004-2005 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 make revisions to the 2004-2005 General Fund budget as indicated on the attached list of accounts; and be it

FURTHER RESOLVED, that this budgetary revision 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, nays-0, absent-2, as follows:

YEAS: Chestnut, Clowser, Deitzler, Ealy, Hall, Harris, Harrison, Higgins, Jones, Lane, Lanham, Loeb, Markham, Miller, Monroe, Morton, Nielsen, Reed, Reishman, Robertson, Sadd, Talkington, Ware, Weintraub, White, Mayor Jones.

NAYS:

ABSENT: Davis, Hanna.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 757-05, adopted.

12. Your Committee on Finance has had under consideration Resolution No. 758-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 758-05: “Authorizing the Mayor to enter into an Agreement of License with Ridge Line, Inc. to occupy and use, subject to all terms and conditions in the Agreement, all of Lot No. 11 at the Southridge Centre, located within the City of Charleston. The property will be used solely as a temporary soccer field for citizens of Charleston, South Charleston and the surrounding area. The sum for use of the property shall be \$1.00, payable at the time of execution of the Agreement. The Agreement may be terminated by either party by giving a two-week notice.”

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 of License with Ridge Line, Inc. to occupy and use, subject to all terms and conditions in the Agreement, all of Lot No. 11 at the Southridge Centre, located within the City of Charleston. The property will be used solely as a temporary soccer field for citizens of Charleston, South Charleston and the surrounding area. The sum for use of the property shall be One Dollar (\$1.00), payable at the time of execution of the Agreement. The Agreement may be terminated by either party by giving a two-week notice.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 758-05, adopted. Abstain: Higgins.

13. Your Committee on Finance has had under consideration Resolution No. 759-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 759-05: “Authorizing the Mayor to sign and submit fiscal year 2005 Budget Digest Grant application and all other related documents for the Kanawha Hospice House, located in the City of Charleston, in the amount of \$10,000.”

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 fiscal year 2005 Budget Digest Grant application and all other related documents for the Kanawha Hospice House, located in the City of Charleston, in the amount of Ten Thousand Dollars (\$10,000).

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 759-05, adopted.

14. Your Committee on Finance has had under consideration Resolution No. 760-05, and reports the same to Council with the recommendation that the committee report be adopted.

WHEREAS, the City of Charleston, West Virginia (the "Issuer"), a municipal corporation, is a duly organized governmental body created by the Constitution of the State of West Virginia (the "State"), is validly existing and in good standing under the Constitution and laws of the State, is a political subdivision thereof, and is authorized by the Industrial Development and Commercial Development Bond Act, Chapter 13, Article 2C, of the Code of West Virginia of 1931, as amended (the "Act"), in furtherance of the public purposes as Section 2 of the Act, to issue its revenue bonds to pay the cost of commercial projects; and

WHEREAS, Vista View Apartments L.P., a West Virginia limited partnership (the "Company") has previously requested the Issuer to issue its Multifamily Housing Revenue Bonds (Vista View Apartments Project), Series 2004 in the principal amount of not to exceed \$17,500,000 in the aggregate, in one or more series (the "Bonds Originally Authorized"), the proceeds of which will be used to finance (i) the acquisition, construction and equipping by the Company of a commercial project in the City of Charleston, West Virginia, specifically consisting of (i) the acquisition of the real and personal property currently known as the "Spring Hill Apartment," comprised of one, two, and three bedroom apartments, and four bedroom townhouse apartments in 16 separate buildings located at 1300-1385 Roseberry Circle, Charleston, West Virginia (the "Existing Facilities"), and (ii) the construction and equipping of renovations and improvements to the Existing Facilities ((i) and (ii) hereinafter referred to as the "Project"); and (iii) costs associated with the issuance of the Bonds Originally Authorized; and

WHEREAS, on September 7, 2004, the Issuer approved a resolution (the "Original Resolution") authorizing the issuance of its Multifamily Housing Revenue Bonds (Vista View Apartments Project), in the principal amount of not to exceed \$10,000,000 and on January 18, 2005, the Issuer approved a resolution (the "2005 Resolution," and, together with the Original Resolution, herein collectively referred to as the "Resolution"), authorizing the issuance of up to an additional \$7,500,000 of its Multifamily Housing Revenue Bonds (Vista View Apartments Project) (collectively, the "Bonds") ; and

WHEREAS, the Internal Revenue Code of 1986, as amended, requires that prior to the issuance of the Bonds, a public notice in the form as that attached hereto as Exhibit A and incorporated by reference herein (the "Notice") be published in a newspaper of general circulation in the City of Charleston, West Virginia, and such publication was

undertaken in the Charleston Gazette, a newspaper of general circulation in the City of Charleston, West Virginia, on January 21, 2005 and January 28, 2005; and

WHEREAS, at 7:00 p.m., prevailing time, on Monday, February 7, 2005, in the Council Chambers, Charleston, West Virginia, in accordance with the Notice, City Council met for the purpose of hearing protests and suggestions regarding the Project, as defined in the Resolution; and

WHEREAS, at the public hearing, no significant reasons and no written protest with regard thereto were presented concerning the Project ands the proposed issuance of the Bonds that would require other modification or amendment of the Resolution; and

WHEREAS, the Issuer has determined that the issuance of the Bonds will benefit the citizens of the City of Charleston, West Virginia and is in furtherance of the public purposes as Section 2 of the Act, and that ratification, confirmation and approval of the Resolution previously adopted would be appropriate.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Charleston,, West Virginia that:

Section 1. The Resolution be and is hereby ratified, approved and confirmed in all respects.

Section 2. That the members of the City Council of the Issuer hereby find and determine that all formal actions relative to the adoption of this Resolution were taken in an open meeting of the Issuer and that all deliberations of the members of the Issuer which resulted in formal action were taken in meetings open to the public, in full compliance with applicable legal requirements

Section 3. That this Resolution shall become effective immediately upon its adoption.

Adopted by the City of Charleston, West Virginia, a municipal corporation, at a meeting held in Charleston, West Virginia, on the 7th day of February, 2005.

(SEAL)

By: _____
Mayor

Attest:

By: _____
City Clerk

CERTIFICATION

The undersigned, being the duly appointed and qualified acting City Clerk of the City of Charleston,, West Virginia does hereby certify that the foregoing Resolution was duly adopted by the Issuer at its meeting held on February 7, 2005, a quorum being present and acting throughout, and is a true, correct and complete copy as witness my hand and the Seal of the City of Charleston West Virginia this 7th day of February, 2005.

City Clerk

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-25, nays-0, absent-2, abstain-1, as follows:

YEAS: Chestnut, Clowser, Deitzler, Ealy, Hall, Harris, Higgins, Jones, Lane, Lanham, Loeb, Markham, Miller, Monroe, Morton, Nielsen, Reed, Reishman, Robertson, Sadd, Talkington, Ware, Weintraub, White, Mayor Jones.

NAYS:

ABSENT: Davis, Hanna.

ABSTAIN: Harrison

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 760-05, adopted.

15. Your Committee on Finance has had under consideration Resolution No. 763-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 763-05 : “Authorizing the Mayor to enter into a one year agreement with ORION Consulting, LLC, to conduct Lead Training classes for contractors engaged in projects for the Mayor’s Office of Economic and Community Development (MOECD). Four separate classes will be offered on an as needed basis and the overall cost per each session of four classes is \$9,800.”

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 one year agreement with ORION Consulting, LLC, to conduct Lead Training classes for contractors engaged in projects for the Mayor’s Office of Economic and Community Development (MOECD). Four separate classes will be offered on an as needed basis and the overall cost per each session of four classes is Nine Thousand Eight Hundred Dollars (\$9,800). The classes to be offered and the cost per class are as follows:

Lead-Based Paint Abatement Supervisor Initial Training

\$4,800 / class

Lead – Based Paint Abatement Worker Initial Training

\$2,400 / class
Lead – Based Pain Maintenance Training, “Work Smart, Work Wet, Work Clean to Work Lead Safe”
\$1,300 / class
Lead – Based Paint Course, “The Remodeler's and Renovator’s Lead-Based Paint Training Program”
\$1,300 / class

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-26, nays-0, absent-2, as follows:

YEAS: Chestnut, Clowser, Deitzler, Ealy, Hall, Harris, Harrison, Higgins, Jones, Lane, Lanham, Loeb, Markham, Miller, Monroe, Morton, Nielsen, Reed, Reishman, Robertson, Sadd, Talkington, Ware, Weintraub, White, Mayor Jones.

NAYS:

ABSENT: Davis, Hanna.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 763-05, adopted.

16. Your Committee on Finance has had under consideration Resolution No. 764-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 764-05: “Authorizing the Mayor to sign the application for an \$80,000 grant request to the West Virginia Department of Highways Recreational Trails Program. The funds will be used to construct an asphalt trail connecting the Kanawha Boulevard Riverfront to the northern end of the CSX landing near Sixth Street. The total recreational portion of the project is \$100,000.”

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

That the Mayor is hereby authorized and directed to sign the application for an Eighty Thousand Dollar (\$80,000) grant request to the West Virginia Department of Highways Recreational Trails Program. The funds will be used to construct an asphalt trail connecting the Kanawha Boulevard Riverfront to the northern end of the CSX landing near Sixth Street. The total recreational portion of the project is \$100,000.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 764-05, adopted.

17. Your Committee on Finance has had under consideration Resolution No. 765-05, and reports the same to Council with the recommendation that the committee report be adopted.

A resolution supplementing Ordinance No. 7123 passed by the Council of The City of Charleston on January 18, 2005, authorizing the refunding of the Parking System Refunding

Revenue Bonds, Series 1993, the Parking System Revenue Bonds, Series 1994 A, the Parking System Subordinate Revenue Bonds, Series 1994 B and the Parking System Subordinate Revenue Bonds, Series 1995 A of The City of Charleston; authorizing the issuance of not more than \$2,885,000 in Parking System Bond Anticipation Notes; authorizing the issuance of not more than \$12,885,000 in aggregate principal amount of Parking System Refunding Revenue Bonds, Series 2005 A and Series 2005 B, of The City of Charleston, the proceeds of which, shall be used, along with other funds and moneys of, or available to, The City of Charleston which may be lawfully expended for such purposes, to finance the cost of such refunding, to fund reserve accounts for such bonds and to pay other costs in connection therewith; providing for the rights and remedies of and security for the registered owners of such bonds; and adopting other provisions related thereto.

WHEREAS, the Council (the "Council") of The City of Charleston, West Virginia (the "City" or the "Issuer"), on January 18, 2005, adopted Ordinance No. 7123, which Ordinance authorized the issuance of The City of Charleston Parking System Bond Anticipation Notes (the "Notes"), The City of Charleston (West Virginia) Parking System Refunding Revenue Bonds, Series 2005 A (the "Series 2005 A Bonds") and Parking System Refunding Revenue Bonds, Series 2005 B (the "Series 2005 B Bonds" and collectively, the "Series 2005 Bonds"), in an aggregate principal amount not to exceed \$12,885,000, to finance the cost of refunding the Parking System Refunding Revenue Bonds, Series 1993 and the Parking System Revenue Bonds, Series 1994 A, the Parking System Subordinate Revenue Bonds, Series 1994 B and the Parking System Subordinate Revenue Bonds, Series 1995 A, (collectively, the "Series 1994/1995 Bonds"), to fund reserve accounts for the Series 2005 Bonds and to pay other costs in connection therewith, and all as more fully set out therein (said Ordinance is hereinafter referred to as the "Ordinance");

WHEREAS, capitalized terms used herein and not otherwise defined herein shall have the same meanings set forth in the Ordinance when used herein;

WHEREAS, the Ordinance directed the City Clerk to publish an abstract of the Ordinance (the "Abstract"), together with a notice that the Ordinance has been adopted, that the Issuer contemplates the issuance of the Notes and the Series 2005 Bonds as described in the Ordinance and that any person interested may appear before the Council upon a certain day and present protests (the "Notice");

WHEREAS, the Ordinance required that the Abstract and Notice be published once a week for two successive weeks, with at least six full days intervening between each publication in the Charleston Gazette and Charleston Daily Mail, two qualified newspapers published and of general circulation in the City of Charleston, West Virginia, and the first publication of such Abstract and Notice was to be not less than ten (10) days before the date set by the Ordinance and the Notice at which interest persons may appear before the City Council and present protests;

WHEREAS, the Abstract and Notice was published on January 28, 2005 and February 4, 2005;

WHEREAS, the Notice provided for a public hearing to be held before City Council at 7:00 p.m. on Monday, February 7, 2005, in the Council Chambers, City Hall, Charleston, West Virginia, which hearing was held and no protests were received;

WHEREAS, the Ordinance provides that matters relating to the Notes and the Series 2005 Bonds not set forth in the Ordinance shall be approved by a resolution supplemental thereto (the "Supplemental Resolution");

WHEREAS, the Notes and the Bonds are proposed to be purchased by Crews & Associates, Inc. and Ferris, Baker Watts, Incorporated (the "Original Purchasers"), pursuant to two or more Bond/Note Purchase Agreements (the "Purchase Agreement") between the Original Purchasers and the City;

WHEREAS, this Council wishes to delegate to the Mayor the authority to approve, within the parameters set forth herein, the final terms of the Notes and the Series 2005 Bonds, including the exact principal amount, interest rates, redemption provisions, maturities, purchase price and other terms of the Notes and the Series 2005 Bonds as set forth in the form of the Certificate of Determination attached hereto, without the requirement of further official action by this Council; and

WHEREAS, this City Council deems it essential and desirable that this Supplemental Resolution be adopted, that the exact principal amount, date, maturity date, interest rate, payment schedule, sale price and other terms of the Notes and Series 2005 B Bonds be fixed as stated herein, that the principal amount, date, maturity date, interest rate, payment schedule, sale price and other terms of the Notes and the Series 2005 A Bonds be fixed by the Mayor, by and through the execution of Certificates of Determination, within the parameters fixed herein, and that other matters relating to the Bonds be herein provided for.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CHARLESTON, WEST VIRGINIA, AS FOLLOWS:

1. It is hereby found and determined:

(a) The Abstract and Notice were duly published in the The Charleston Gazette and The Daily Mail, newspapers of general circulation in The City of Charleston, West Virginia, with the first publication thereof being on January 28, 2005, and with the last publication thereof being on February 4, 2005, and a copy of the affidavit of publication reflecting such publication is attached hereto and incorporated herein as EXHIBIT A;

(b) In accordance with the Ordinance and the Notice, a copy of the Ordinance was maintained at the Office of the City Clerk for review by interested persons during the regular office hours of such office;

(c) At 7:00 p.m., prevailing time, on Monday, February 7, 2005, in the Council Chambers, Charleston, West Virginia, in accordance with the Ordinance and the Notice, City Council met for the purpose of hearing protests and suggestions regarding whether the

Ordinance should be put into effect and heard all protests and suggestions with regard thereto;

(d) At the public hearing, no significant reasons and no written protest with regard thereto were presented that would require other modification or amendment of the Ordinance; and

(e) That the Ordinance shall be put into effect as of the date hereof and the Notes and the Series 2005 Bonds contemplated thereby shall be issued, all as provided in the Ordinance and this Supplemental Resolution.

2. Pursuant to the Ordinance and the Act, this Supplemental Resolution is adopted and there are hereby authorized and ordered to be issued the following bonds of the City:

(a) The City of Charleston Parking System Bond Anticipation Notes, in the original principal amount not to exceed \$2,885,000. The Note shall be dated such date, shall finally mature on June 1, 2013, shall bear interest and prices with interest payable on such dates, and shall have such redemption provisions and other terms as shall be approved by the Mayor in the Certificate of Determination the form of which is attached hereto as EXHIBIT B.

(b) The City of Charleston Parking System Refunding Revenue Bonds, Series 2005 A shall be issued in such aggregate principal amount not to exceed \$10,000,000, shall be dated such date, shall finally mature on June 1, 2016, shall bear interest and prices with interest payable on such dates, and shall have such redemption provisions and other terms as shall be approved by the Mayor in the Certificate of Determination the form of which is attached hereto as EXHIBIT B.

(c) The City of Charleston Parking System Refunding Revenue Bonds, Series 2005 B shall be issued in such aggregate principal amount not to exceed \$2,885,000, shall be dated such date, shall finally mature on June 1, 2013, shall bear interest and prices with interest payable on such dates, and shall have such redemption provisions and other terms as shall be approved by the Mayor in the Certificate of Determination the form of which is attached hereto as EXHIBIT B.

3. The Mayor of The City of Charleston, West Virginia (the "Mayor") is hereby authorized and directed to set forth the exact principal amount, the maturities, the interest rates, the redemption provisions, the price, and other terms and details of the Notes, the Series 2005 A Bonds and the Series 2005 B Bonds, subject to the parameters set forth herein in the Certificate of Determination, substantially in the form attached hereto as EXHIBIT B and incorporated herein, to be executed and delivered in connection with the sale of the Notes, the Series 2005 A Bonds and the Series 2005 B Bonds. Assuming such parameters are met, the Certificate of Determination shall have full force and effect as if adopted as a part of this Supplemental Resolution.

4. All other provisions relating to the Notes and the Series 2005 Bonds and the text of the Notes and the Series 2005 Bonds shall be as provided in the Ordinance, and the Bonds shall be in substantially the form provided in EXHIBIT C attached hereto and incorporated herein, with such changes, insertions and omissions as may be approved by the Mayor. The execution of the Bonds by the Mayor shall be conclusive evidence of such approval.

5. A Bond Purchase Agreement for the Notes, each series of Series 2005 Bonds, by and between the Original Purchasers and the Issuer, the form of which is attached hereto as EXHIBIT D and incorporated herein, and the execution and delivery by the Mayor thereof shall be and the same are hereby authorized, approved, and directed. The Mayor shall execute and deliver each Purchase Agreement for the Notes and each series of Series 2005 Bonds with such changes, insertions and omissions as may be approved by the Mayor. The execution of the Purchase Agreement for the Notes and each series of Series 2005 Bonds by the Mayor shall be conclusive evidence of any approval required by this Section, and authorization of any action required by the Purchase Agreement relating to the issuance and sale of the Notes and each series of Series 2005 Bonds, including the payment of all necessary fees and expenses in connection therewith.

6. A Continuing Disclosure Certificate of the Issuer, for the Notes and each series of Series 2005 Bonds, to be dated as of the date of delivery of the respective Notes and series of Series 2005 Bonds, the form of which is attached hereto as EXHIBIT E and incorporated herein, and the execution and delivery by the Mayor thereof shall be and the same are hereby authorized, approved and directed. The Mayor shall execute and deliver the Continuing Disclosure Certificate for each series of Bonds with such changes, insertions and omissions as may be approved by the Mayor. The execution of the Continuing Disclosure Certificate for each series of Bonds by the Mayor shall be conclusive evidence of any approval required by this Section.

7. The Escrow Agreements by and between the Issuer and the West Virginia Municipal Bond Commission as Escrow Agent, to be dated as of the date of delivery of the Notes and the Series 2005 A Bonds, substantially in the form attached to the Certificate of Determination, and the execution and delivery (in multiple counterparts) by the Mayor thereof shall be and the same are hereby authorized, approved and directed. The Mayor shall execute and deliver the Escrow Agreements with such changes, insertions and omissions as may be approved by the Mayor. The execution of the Escrow Agreements by the Mayor shall be conclusive evidence of any approval required by this Section.

8. A Preliminary Official Statement and an Official Statement for the Notes and each series of Series 2005 Bonds, in substantially the form of the Preliminary Official Statement attached hereto as EXHIBIT F and incorporated herein (with such changes, insertions and omissions as may be necessary or advisable in the opinion of the Mayor), and the distribution of counterparts or copies thereof by the Original Purchasers are hereby approved. The Mayor shall execute and deliver the Official Statement for the Notes and Series 2005 Bonds with such changes, insertions and omissions as may be approved by the Mayor. The execution

of the Official Statement for the Notes, each series of Bonds by the Mayor shall be conclusive evidence of any approval required by this Section.

9. City Council hereby appoints and designates United Bank, Inc., Charleston, West Virginia, to serve as Registrar (the “Registrar”) for the Bonds.

10. Upon redemption of the Series 1993 Bonds, all funds remaining on in the Series 1993 Bonds Escrow Account shall be transferred to the Note Reserve Account and upon redemption of the Series 1994/1995 Bonds, all funds remaining on in the Series 1994/1995 Bonds Escrow Account shall be transferred to the Series 2005 A Bonds Sinking Fund and applied to the next ensuing interest payment.

11. Upon exchange of the Notes for the Series 2005 B Bonds, all funds remaining in the Note Repayment Account, following the payment of interest on the Notes shall be transferred to the Series 2005 B Bonds Sinking Fund.

12. Simultaneous with the issuance of the Series 2005 A Bonds and the defeasance of the Series 1994/1995 Bonds, the sum of \$1,000,000 shall be transferred from the Repair, Maintenance and Operations Fund established under the Prior Ordinance to the City, as payment for the acquisition of that certain parking lot, containing approximately 103 parking spaces, located at the intersection of the southwesterly line of Smith Street and the southeasterly line of Morris Street, containing 1.143 acres more or less (“Parking Lot A”), and that certain parking lot, containing approximately 161 parking spaces, located at the intersection of the southeasterly line of Morris Street and the northeasterly line of Smith Street, containing 1.171 acres more or less (“Parking Lot B”).

13. Upon acquisition of Parking Lot A and Parking Lot B, as contemplated in Section 12 above, Parking Lot A and Parking Lot B shall be deemed and designated as Off-Street Parking Facilities within the Parking System.

14. Effective the delivery of the Series 2005 A Bonds and the defeasance of the Series 1994/1995 Bonds, the Repair, Maintenance and Operations Fund requirement shall be \$200,000.

15. City Council hereby determines to invest all moneys in the funds and accounts established by the Ordinance held by the Bond Commission in Qualified Investments (except for the Escrow Funds).

16. City Council hereby approves all costs of issuance in connection with the Notes and the Series 2005 Bonds and authorizes the payment thereof.

17. The Escrow Agent is hereby authorized to mail the notice of redemption of the Series 1993 Bonds as provided in the Prior Ordinance in order to call the Series 1993 Bonds on or about March 15, 2005, and is hereby authorized to mail the notice of redemption of the Series 1994/1995 Bonds as provided in the Prior Ordinance in order to call the Series 1994/1995 Bonds on or about April 10, 2005.

18. The City hereby recognizes the statutory mortgage lien, created by Chapter 8, Article 16, Section 22 and 24, on the Parking System.

19. The City hereby determines that the Series 2005 A Bonds shall be "deemed designated" as qualified tax exempt obligations within the meaning of Section 265(b)(3)(B) of the Internal Revenue Code, as amended.

20. The Mayor and City Clerk are hereby authorized and directed to execute and deliver such other documents and certificates required as desirable in connection with the issuance and sale of each series of the Notes and the 2005 A Bonds to the end that the Notes and each series of Bonds may be delivered on a timely basis to the Original Purchasers pursuant to the respective Bond Purchase Agreement.

21. This Supplemental Resolution shall go into effect immediately upon adoption.

Adopted this 7th day of February, 2005.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-23, nays-0, absent-2, abstain-3, as follows:

YEAS: Chestnut, Clowser, Deitzler, Ealy, Hall, Harris, Higgins, Jones, Lane, Lanham, Markham, Miller, Monroe, Morton, Nielsen, Reed, Reishman, Robertson, Sadd, Talkington, Ware, White, Mayor Jones.

NAYS:

ABSENT: Davis, Hanna.

ABSTAIN: Harrison, Loeb, Weintraub,

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 765-05, adopted.

18. Your Committee on Finance has had under consideration Resolution No. 766-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 766-05: "Authorizing the Mayor to sign Change Order No. 2 with Progressive Electric, Inc., in the amount of \$55,416.63, for changes made in conjunction with site lighting, revised third base building, sign pole lights, and for the purchase of a generator, increasing the contract amount to \$1,109,416.63."

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

That the Mayor is hereby authorized and directed to sign Change Order No. 2 with Progressive Electric, Inc., in the amount of Fifty-five Thousand Four Hundred Sixteen Dollars and Sixty-three Cents (\$55,416.63), for changes made in conjunction with site lighting, revised third base building, sign pole lights, and for the purchase of a generator, increasing the contract amount to \$1,109,416.63.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 766-05, adopted.

19. Your Committee on Finance has had under consideration Resolution No. 767-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 767-05: “Authorizing the Mayor to sign the Governor’s Community Partnership Grant Program Contract, in the amount of \$100,000, to provide funds for the construction of a canopy system at the new Baseball Stadium.”

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

That the Mayor is hereby authorized and directed to sign the Governor’s Community Partnership Grant Program Contract, in the amount of One Hundred Thousand Dollars (\$100,000), to provide funds for the construction of a canopy system at the new Baseball Stadium.

The question being on the adoption of the Resolution a vote was taken. There being one dissent from Markham the Mayor declared Resolution No. 767-05, adopted.

20. Your Committee on Finance has had under consideration Resolution No. 768-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 768-05: “Authorizing the Mayor to sign Amendments No. 6, No. 7, and No. 8 relating to additional architectural services for the new ballpark. The amendments increase the total contract amount to \$1,196,950, plus expenses.”

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

That the Mayor is hereby authorized and directed to sign Amendments No. 6, No. 7, and No. 8 relating to additional architectural services for the new ballpark. The amendments increase the total contract amount to \$1,196,950, plus expenses. The amendments are as follows:

Amendment No. 6 HNTB will engage the services of Associated Architects, Inc. to provide Construction Administration Services for and during the interior fit-out of the 601 Morris Building on the new ballpark site. These services will be provided on an hourly basis, plus expenses.

Amendment No. 7 Design and provide Construction Documents for a canopy

structure behind home plate to cover up to four rows of seating at a cost of \$5,000, plus expenses.

Amendment No. 8 Design and provide Construction Documents for a canopy structure along the third base line covering a portion of the concourse at a cost of \$6,000, plus expenses.

The question being on the adoption of the Resolution a vote was taken. There being one dissent from Markham the Mayor declared Resolution No. 768-05, adopted.

21. Your Committee on Finance has had under consideration Resolution No. 769-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 769-05: “Authorizing the Finance Director to make revisions to the 2004-2005 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 Finance Director is hereby authorized and directed to make revisions to the 2004-2005 Parking System budget as indicated on the attached list of accounts; and be it

FURTHER RESOLVED, that this budgetary revision 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, nays-0, absent-2, as follows:

YEAS: Chestnut, Clowser, Deitzler, Ealy, Hall, Harris, Harrison, Higgins, Jones, Lane, Lanham, Loeb, Markham, Miller, Monroe, Morton, Nielsen, Reed, Reishman, Robertson, Sadd, Talkington, Ware, Weintraub, White, Mayor Jones.

NAYS:

ABSENT: Davis, Hanna.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 769-05, adopted.

22. Your Committee on Finance has had under consideration a bid submitted by Krigger & Company, Inc., in the amount of \$35,811, for purchase of one (1) Jacobsen LF-3400 Fairway Mower to be used by the Parks & Recreation Department. To be charged to Account No. 001-979-00-900-4-461, P&R – Capital Outlay, Lease/Purchase, and reports the same to Council with the recommendation that he Committee Report be adopted.

The question being on the adoption of the committee report a vote was taken. There being no dissent the Mayor declared the committee report adopted.

23. Your Committee on Finance has had under consideration a bid submitted by Century Equipment, in the amount of \$11,399.05 for purchase of one (1) Sand Pro 3200 to be used by

the Parks & Recreation Department. To be charged to Account No. 001-979-00-900-4-461, P&R – Capital Outlay, Lease/Purchase, and reports the same to Council with the recommendation that the Committee Report be adopted.

The question being on the adoption of the committee report a vote was taken. There being no dissent the Mayor declared the committee report adopted.

24. Your Committee on Finance has had under consideration a Payment of an invoice from American Electric Power, in the amount of \$29,323, for relocation of utilities in the Morris Square area. To be charged to Account No. 220-975-00-420-4-458, Engineering – Capital Outlay, Major Improvements, and reports the same to Council with the recommendation that the Committee Report be adopted.

The question being on the adoption of the committee report a vote was taken. There being one dissent from Markham, the Mayor declared the committee report adopted. Abstain: Higgins

25. Your Committee on Finance has had under consideration a Payment of an invoice from Charleston Sanitary Board, in the amount of \$20,680, for costs associated with Chesterfield Avenue Storm Drain Cleaning Project. To be charged to Account No. 220-975-00-420-4-459, Engineering – Capital Outlay, Major Improvements, and reports the same to Council with the recommendation that the Committee Report be adopted.

The question being on the adoption of the committee report a vote was taken. There being no dissent the Mayor declared the committee report adopted.

26. Your Committee on Finance has had under consideration a Payment of an invoice from Royal Jeep, Subaru & Suzuki in the amount of \$11,293.80, for repairs made to Police Unit 205 that was damaged in an accident on October 14, 2004. To be charged to Account No. 001-700-00-000-2-217, Police – Maintenance & Repairs, Vehicles, and reports the same to Council with the recommendation that the Committee Report be adopted.

The question being on the adoption of the committee report a vote was taken. There being no dissent the Mayor declared the committee report adopted.

REPORTS OF OFFICERS

1. Report of the City of Charleston Financial Statements for the Six-Month period ended December 31, 2004.

Received and Filed.

2. Report of the City of Charleston Firemen's Pension and Relief Fund Actuarial Valuation Report for the Year Beginning July 1, 2003.

Received and Filed.

3. Report of the City of Charleston Policemen's Pension and Relief Fund Actuarial Valuation Report for the Year Beginning July 1, 2003.

Received and Filed.

4. Report of the City of Charleston Payroll Variance Analysis;
December 2004;
Received and Filed.

NEW BILLS INTRODUCED

Introduced by Councilwoman Mary Jean Davis, February 7, 2005:

Bill No. 7126, a bill adopting certain rules and procedures for the Municipal Planning Commission. Rules and procedures may be adopted by the Municipal Planning Commission and approved by City Council pursuant to the authority given to the Commission by Section 8A-2-11 of the State Code, Section 90-36 of the City Code and Section 26-5 of the Zoning Ordinance. Refer to Municipal Planning Commission.

Introduced by Councilman Jim Harris, February 7, 2005:

Bill No. 7127, a bill abandoning an closing permanently a portion of that certain 30 foot wide public alley or way known as Oak Avenue, generally parallel to Kennawa Drive and extending from Washington Heights Drive north-westerly direction 1176.21 feet and conveying as public property being a parcel of land containing 0.709 acre, in North Charleston Tax district, City of Charleston, Kanawha County, West Virginia; and reserving sewer easement for the City of Charleston, West Virginia.

Refer to Municipal Planning Commission.

Introduced by Councilman Robert Reishman, February 7, 2005:

Bill No. 7128, A Bill to establish a Stop intersection at the intersection of Stonehenge Road and Dunlevy Road requiring vehicles northbound on Dunlevy Road to stop and requiring vehicles southbound on Stonehenge Road to stop except when turning right 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 Council Committee on Streets and Traffic.

Introduced by Councilman Jim Harris, February 7, 2005:

Bill No. 7129, A Bill to establish a 15 minute parking zone on the easterly side of Elizabeth Street from a point 25 feet north of Washington Street, East to a point 61 feet north of Washington Street, East 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 Council Committee on Streets and Traffic.

ROLL CALL

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

YEAS: Chestnut, Clowser, Deitzler, Ealy, Hall, Harris, Harrison, Higgins, Jones, Lane, Lanham, Loeb, Markham, Miller, Monroe, Morton, Nielsen, Reed, Reishman, Robertson, Sadd, Talkington, Ware, Weintraub, White, Mayor Jones.

ABSENT: Davis, Hanna.

At 8:10 p.m., on motion of Councilman Loeb, Council adjourned until Tuesday, February 22, 2005, at 7:00 p.m.

Danny Jones, Honorable Mayor

James M. Reishman, City Clerk