

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

**MAY 3, 2004**

**THE COUNCIL MET IN CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE FIRST MEETING IN THE MONTH OF MAY ON THE 3<sup>rd</sup> DAY, IN THE YEAR 2004, AND WAS CALLED TO ORDER BY THE HONORABLE MAYOR, DANNY JONES. THE INVOCATION WAS DELIVERED HARRY DEITZLER, AND THE PLEDGE OF ALLEGIANCE WAS LEAD BY JOHN MILLER.**

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

<b>CHESTNUT</b>	<b>CLOWSER</b>	<b>DEITZLER</b>
<b>DAVIS</b>	<b>EALY</b>	<b>HALL</b>
<b>HANNA</b>	<b>HARRIS</b>	<b>HARRISON</b>
<b>HIGGINS</b>	<b>JONES</b>	<b>LANE</b>
<b>LANHAM</b>	<b>LOEB</b>	<b>MORTON</b>
<b>MILLER</b>	<b>MONROE</b>	<b>MARKHAM</b>
<b>NIELSEN</b>	<b>REED</b>	<b>REISHMAN</b>
<b>ROBERTSON</b>	<b>SADD</b>	<b>TALKINGTON</b>
<b>WARE</b>	<b>WEINTRAUB</b>	<b>WHITE</b>
<b>MAYOR JONES</b>		

**TWENTY-EIGHT 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.**

**MAY 3, 2004, FIRST MEETING**

## **CHARLESTON CITY COUNCIL JOURNAL MAY 3, 2004**

### **PUBLIC SPEAKERS**

1. Debbie Weinstien
2. Chad Robinson
3. Brad Rhinehart
4. Jayne Marks
5. Mark Strickland

### **CLAIMS**

1. A claim of Hazel Webb, 2004 Orchard Ave., Belle, WV; alleges personal injury;  
Refer to City Solicitor.
2. A claim of Cheryl Francis, 605 Eden Place, Ashland, KY; alleges personal injury;  
Refer to City Solicitor.
3. A claim of Judy Mullins, 2395 Hampshire Dr., Charleston, WV; alleges damage to vehicle;  
Refer to City Solicitor.
4. A claim of Sally Lucas, 4301 St. Charles Street, KY; alleges personal injury;  
Refer to City Solicitor.
5. A claim of Patricia L. Howell, 8705 Ohio Ave., Marmet, WV; alleges personal injury;  
Refer to City Solicitor.
6. A claim of Ricky Burford, 7454 Sigmon Fork Rd., Sissonville, WV; alleges damage to  
vehicle;  
Refer to City Solicitor.

### **COMMUNICATIONS**

*ONE PROCLAMATION*

### **MISCELLANEOUS RESOLUTIONS**

NONE.

### **REPORTS OF STANDING COMMITTEES**

***PLANNING***

Councilwoman Mary Jean Davis, Chairman of the Council Committee on Planning, submitted the following reports.

1. Your Committee on Planning has had under consideration Special Permit #1145, attached hereto and made a part thereof,

Your Committee finds the following:

1. The previous business was operating as a bar/tavern without obtaining the proper approvals, however, the use did not create a nuisance to the surrounding properties.
2. The property is located in a transitional zoning area with a mixture of residential, commercial and industrial uses.
3. That after six months the special permit be reviewed by the Planning Commission.

and reports the same to Council with the recommendation that the Special Permit be approved.

The question being on the approval of the Special Permit a vote was taken. There being no dissent the Mayor declared Special Permit #1145, approved.

2. Your Committee on Planning has had under consideration Bill No. 7049, and reports the same to Council with recommendation that the Bill do pass.

A Bill amending the Zoning Ordinance of the City of Charleston, West Virginia, enacted the 7<sup>th</sup> day of March 1983, as amended, and the map made a part thereof, by rezoning from an I-4 district to a C-10 district, those certain parcels of land situated at 1414 MacCorkle Avenue, Charleston, West Virginia.

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

1. The Zoning Ordinance of the City of Charleston, West Virginia, enacted the 7<sup>th</sup> day of March 1983, as amended, is hereby amended by rezoning from an I-4 district to a C-10 district the whole of the following described parcels of land:

Parcel 15 as shown on South Annex Tax Map No. 1. Said parcels commonly known as 1414 MacCorkle Avenue, Charleston, West Virginia.

2. The Zoning Map, attached to and made a part of said Zoning Ordinance, is hereby amended in accordance with Section 1 of this ordinance.

3. All ordinances, or parts of ordinances, inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

The question being on the passage of the Bill a roll call was taken and there yeas-28, nays-0, absent-0, as follows:

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

NAYS:

ABSENT:

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7049 passed.

3. Your Committee on Planning has had under consideration Bill No. 7050, and reports the same to Council with recommendation that the Bill do pass.

A Bill amending the Zoning Ordinance of the City of Charleston, West Virginia, enacted the 7<sup>th</sup> day of March 1983, as amended, and the map made a part thereof, by zoning parcel 26.2 as shown on Loudon Tax District Map 6 more commonly known as Lot P, Tract 5 of Phase II of the Southridge Center Business Park to C-10 General Commercial District.

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

1. The Zoning Ordinance of the City of Charleston, West Virginia, enacted the 7<sup>th</sup> day of March 1983, as amended, is hereby amended by zoning C-10 General Commercial District the whole of the following described parcel of land:

Parcel 26.2 as shown on Loudon Tax Map Number 6. Said parcel is commonly known as Lot P, Tract 5 of Phase II of the Southridge Center Business Park. The subject tax map is as of record in the Charleston Planning Department.

2. The Zoning Map, attached to and made a part of said Zoning Ordinance, is hereby amended in accordance with Section 1 of this ordinance.

3. All ordinances, or parts of ordinances, inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

The question being on the passage of the Bill a roll call was taken and there yeas-28, nays-0, absent-0, as follows:

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

NAYS:

ABSENT:

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7050 passed.

4. Your Committee on Planning has had under consideration Bill No. 7051, and reports the same to Council with recommendation that the Bill do pass.

A Bill amending the Zoning Ordinance of the City of Charleston by amending the table of permitted uses to allow “Boat (pleasure craft) repair” as a permitted use in a C-10 General Commercial District.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CHARLESTON, WEST VIRGINIA

The Zoning Ordinance of the City of Charleston, West Virginia enacted the 7<sup>th</sup> day of March 1983, as amended, is hereby amended by adding “Boat (pleasure craft) repair” as a permitted use in a C-10 General Commercial District. The new provisions shall read as follows:

1) ARTICLE 13: C-10 GENERAL COMMERCIAL DISTRICT  
Section 13-2 Permitted principal uses.

Add subsection:

13-2 (f) (11) Boat (pleasure craft) repair.

Renumber 13-2 (f) 11-51 accordingly.

2) TABLE OF PERMITTED USES is hereby amended to conform with Section 1 above.

3) All prior ordinances, or parts of ordinances, inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

The question being on the passage of the Bill a roll call was taken and there yeas-28, nays-0, absent-0, as follows:

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

NAYS:

ABSENT:

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7051 passed.

5. Your Committee on Planning has had under consideration Bill No. 7052, and reports the same to Council with recommendation that the Bill do pass.

A Bill amending the Zoning Ordinance of the City of Charleston by amending the table of permitted uses by modifying the special permit requirements for gambling establishments to require City Council action on the special permit requests.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CHARLESTON, WEST VIRGINIA

The Zoning Ordinance of the City of Charleston, West Virginia enacted the 7th day of March 1983, as amended, is hereby amended by modifying the special permit requirements for Gambling establishments to require City Council action on the special permit requests. The new provisions shall read as follows:

1) In ARTICLE XX: SPECIAL PERMIT USES

Section 20-3 Requirements.

Section 20-3 (e) Gambling establishment.

The intent of this ordinance is to provide suitable locations for gambling establishments within the City of Charleston. The following spacing requirements are designed to prevent the clustering of such uses which may negatively impact the use and enjoyment of neighboring properties and to minimize adverse effects on the community in the best interests of the public health, safety, and welfare.

- (1) Such uses shall not be located within 2000 feet of each other.
- (2) No gambling establishment shall be permitted within 1000 feet of any church, place of worship, library, school, community center, or the State Capital complex bounded by Greenbrier Street, Kanawha Boulevard, Michigan Avenue, and Piedmont Street.
- (3) Council shall take final action on all such applications.

2) The TABLE OF PERMITTED USES is hereby amended to conform with Section 1 above.

3) All prior ordinances, or parts of ordinances, inconsistent with this ordinance are hereby repealed to the extent of such inconsistency

The question being on the passage of the Bill a roll call was taken and there yeas-28, nays-0, absent-0, as follows:

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

NAYS:

ABSENT:

With a majority of members elected recorded thereon as voting in the affirmative the Mayor

declared Bill No. 7052 passed.

***FINANCE***

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

1. Your Committee on Finance has had under consideration Resolution No. 529-04, and reports the same to Council with the recommendation that he committee report be adopted.

Resolution No. 529-04 – “Authorizing the Mayor to accept a grant in the amount of \$61,000 from the West Virginia Governor’s Highway Safety Office for the West Virginia Child Passenger Safety Program for the period January 1, 2004 to December 31, 2004.”

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

That the Mayor is hereby<sup>6</sup> authorized and directed to accept a grant in the amount of Sixty-one Thousand Dollars (\$61,000) from the West Virginia Governor’s Highway Safety Office for the West Virginia Child Passenger Safety Program for the period January 1, 2004 to 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. 529-04, adopted.

2. Your Committee on Finance has had under consideration Resolution No. 530-04, and reports the same to Council with the recommendation that he committee report be adopted.

Resolution No. 530-04 – “Authorizing the Mayor to accept a grant in the amount of \$60,718 from the West Virginia Division of Criminal Justice Services for the STOP Violence Against Women Program.”

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

That the Mayor is hereby authorized and directed to accept a grant in the amount of Sixty Thousand Seven Hundred Eighteen Dollars (\$60,718) from the West Virginia Division of Criminal Justice Services for the STOP Violence Against Women Program.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 530-04, adopted.

3. Your Committee on Finance has had under consideration Resolution No. 531-04, and reports the same to Council with the recommendation that he committee report be adopted.

Resolution No. 531-04 – “Authorizing the Mayor to accept a grant from Appalachian HIDTA Program in the amount of \$40,000 to be used by the Charleston Police Department for overtime

salaries and related benefits for patrol enforcement officers working at Washington Manor and Spring Hill Apartments. The grant will run through December 31, 2004, and will pay 100 percent of the overtime salaries and benefits for the officers.”

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

That the Mayor to accept a grant from Appalachian HIDTA Program in the amount of Forty Thousand Dollars (\$40,000) to be used by the Charleston Police Department for overtime salaries and related benefits for patrol enforcement officers working at Washington Manor and Spring Hill Apartments. The grant will run through December 31, 2004, and will pay 100 percent of the overtime salaries and benefits for the officers.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 531-04, adopted.

4. Your Committee on Finance has had under consideration Resolution No. 532-04, and reports the same to Council with the recommendation that he committee report be adopted.

Resolution No. 532-04 – “Authorizing the Mayor to enter into an Agreement with Cincinnati Floor Co., in the amount of \$14,900, for refinishing the gymnasium floor at the Kanawha City Community Center.”

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

That the Mayor is hereby authorized and directed to enter into an Agreement with Cincinnati Floor Co., in the amount of Fourteen Thousand Nine Hundred Dollars (\$14,900), for refinishing the gymnasium floor at the Kanawha City Community Center.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 532-04, adopted.

5. Your Committee on Finance has had under consideration Resolution No. 534-04, and reports the same to Council with the recommendation that he committee report be adopted.

Resolution No. 534-04 – “Authorizing the Mayor to sign Change Order No. 1 with Tony Baiano Construction Company, Inc., in the amount of \$189,200, for the Streetscape Project, providing for additional work in the areas relating to the Fifth Third Center at 700 Virginia Street, on the north side of Virginia Street between Summers and Capitol streets, and on the east and west sides of Summers Street between Virginia and Quarrier streets. The additional work will increase the contract price from \$575,600 to \$764,800, and CURA will pay all costs associated with Change Order No. 1.”

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. 1 with Tony Baiano Construction Company, Inc., in the amount of One Hundred Eighty-nine Thousand Two

Hundred Dollars (\$189,200), for the Streetscape Project, providing for additional work in the areas relating to the Fifth Third Center at 700 Virginia Street, on the north side of Virginia Street between Summers and Capitol streets, and on the east and west sides of Summers Street between Virginia and Quarrier streets. The additional work will increase the contract price from \$575,600 to \$764,800, and CURA will pay all costs associated with Change Order No. 1.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 534-04, adopted.

6. Your Committee on Finance has had under consideration Resolution No. 535-04, and reports the same to Council with the recommendation that he committee report be adopted.

Resolution No. 535-04 – “Authorizing the Mayor to sign a request for project change of scope for the Religious Coalition for Community Renewal, project 04LEDA0151, in the amount of \$25,000. The original scope of work was for the architectural design work for the RCCR facility, located at 1516 Washington Street, East, in Charleston. The change of scope is to request these funds be used for the actual renovation expenses as well.”

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

That the Mayor to sign a request for project change of scope for the Religious Coalition for Community Renewal, project 04LEDA0151, in the amount of \$25,000. The original scope of work was for the architectural design work for the RCCR facility, located at 1516 Washington Street, East, in Charleston. The change of scope is to request these funds be used for the actual renovation expenses as well.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-28, nays-0, absent-0, as follows:

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

NAYS:

ABSENT:

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 535-04, adopted.

7. Your Committee on Finance has had under consideration Resolution No. 536-04, and reports the same to Council with the recommendation that he committee report be adopted.

Resolution No. 536-04 – “Authorizing the Mayor to sign and submit to the U.S. Department of Housing and Urban Development the 2004 Community Development Block Grant Action Plan and all required agreements, including Subrecipient project contracts relating to the 2004 Program Year.”

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

That the Mayor is hereby authorized and directed to sign and submit to the U.S. Department of Housing and Urban Development the 2004 Community Development Block Grant Action Plan and all required agreements, including Subrecipient project contracts relating to the 2004 Program Year.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-27, nays-0, absent-0, abstain – 1, as follows:

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

NAYS:

ABSENT:

ABSTAIN: Ealy.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 536-04, adopted.

8. Your Committee on Finance has had under consideration Resolution No. 537-04, and reports the same to Council with the recommendation that he committee report be adopted.

Resolution No. 537-04 – “Authorizing the Mayor to sign and submit applications for the 2004 West Virginia Homeless Shelters Program (WVHSP) to provide operating expenses, essential services and capital improvements for the following agencies: YWCA/Sojourner’s, YWCA/Resolve Family Abuse, Daymark, Covenant House, Roark Sullivan Lifeway Center and RCCR/Samaritan Inn shelters and further authorizing the Mayor to sign the required agreements with the respective agencies.”

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

That the Mayor is hereby authorized and directed to sign and submit applications for the 2004 West Virginia Homeless Shelters Program (WVHSP) to provide operating expenses, essential services and capital improvements for the following agencies: YWCA/Sojourner’s, YWCA/Resolve Family Abuse, Daymark, Covenant House, Roark Sullivan Lifeway Center and RCCR/Samaritan Inn shelters and further authorizing the Mayor to sign the required agreements with the respective agencies.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-28, nays-0, absent-0, as follows:

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

NAYS:

ABSENT:

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 537-04, adopted.

9. Your Committee on Finance has had under consideration Resolution No. 538-04, and reports the same to Council with the recommendation that he committee report be adopted.

Resolution No. 538-04 – “Authorizing the Finance Director to make revisions to the 2003-2004 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 2003-2004 General Fund budget as indicated on the attached list of accounts; and be it

FURTHER RESOLVED, that this budgetary revisions 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-28, nays-0, absent-0, as follows:

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

NAYS:

ABSENT:

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 538-04, adopted.

10. Your Committee on Finance has had under consideration Resolution No. 539-04, and reports the same to Council with the recommendation that he committee report be adopted.

Resolution No. 539-04, as amended – “Authorizing the approval in health insurance rates for City employees based on current benefits subject to further analyses and presentation of variations of new premiums structure for 2004-2005 fiscal year.”

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

That the changes in health insurance rates for City employees in accordance with the attached schedules are hereby approved.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-28, nays-0, absent-0, as follows:

YEAS: Chestnut, Clowser, Davis, Deitzler, Ealy, Hall, Hanna, Harris, Harrison, Higgins, Jones, Lane, Lanham, Loeb, Markham, Miller, Monroe, Morton, Nielsen, Reed, Reishman, Robertson,

Sadd, Talkington, Ware, Weintraub, White, Mayor Jones.

NAYS:

ABSENT:

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 539-04, adopted.

11. Your Committee on Finance has had under consideration Resolution No. 540-04, and reports the same to Council with the recommendation that he committee report be adopted.

Resolution 540-04 – Authorizing the Mayor to enter into a lease with CURA wherein the City would lease from CURA, for one dollar annually, the corner lot bounded by Washington Street East and Maxwell Street to operate and maintain a Dog Park, and approving the concept of a dog park financed and prepared by volunteers, presently to be implemented at the CURA Maxwell and Washington Street property, but moveable to other suitable location if necessary, with the dog park concept to be reviewed by the parks and recreation committee again after 1 years.

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

That the Mayor be authorized to enter into a lease with CURA wherein the City would lease from CURA, for one dollar annually, the corner lot bounded by Washington Street East and Maxwell Street to operate and maintain a Dog Park, and approving the concept of a dog park financed and prepared by volunteers, presently to be implemented at the CURA Maxwell and Washington Street property, but moveable to other suitable location if necessary, with the dog park concept to be reviewed by the parks and recreation committee again after 1 years.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-27, nays-1, absent-0, as follows:

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

NAYS: Morton.

ABSENT:

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 540-04, adopted.

12. Your Committee on Finance has had under consideration a proposal submitted by Stephens Auto Center, I the amount of \$21,377, for purchase of one (1) Model 2004 Ford Crown Victoria Police Interceptor (cruiser) as a replacement for Unit No. 109, which was ruled a total loss as a result of damages sustained in a recent accident. To be charged to Account No. 001-976-00-700-4-459, Police – Capital Outlay, Equip., 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

13. Your Committee on Finance has had under consideration the payment of an invoice from Royal Oldsmobile, in the amount of \$5,966.72, for repairs made to Police Unit No. 201, damaged in a crash on February 18, 2004, at Washington Street and 21<sup>st</sup> Street, West. To be charged to Account No. 001-700-00-000-2-217, Police – Maint. & Repair/Auto, 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

14. Your Committee on Finance has had under consideration the payments of an invoice from George & Lorensen, PLLC, in the amount of \$10,028.61, for professional services rendered during January, February and March 2004, relating to user fee. To be charged to Account No. 001-417-00-000-2-223, Legal – Professional Services, 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

15. Your Committee on Finance has had under consideration the payment of invoices from McClanahan Construction Co., totaling \$33,726.19, for sidewalks, curbs and drains portion of the contract for the Kanawha Boulevard Project. This amount is part of the contract in the total amount of \$772,469.74 for the area from the South Side Bridge to 35<sup>th</sup> Street in Kanawha City utilizing grant funds, CDBG and CURA funds. It has now been determined that this area is not eligible for CURA funding and, therefore, these costs will be paid from the Capital Outlay project account. 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 no dissent the Mayor declared the committee report adopted

## **REPORTS OF OFFICERS**

1. City Treasurer's Report to City Council Month Ending March, 2004;  
Received and Filed.

## **NEW BILLS INTRODUCED**

Introduced by Councilwoman Ditty Markham on May 3, 2004:

**Bill 7062** – A Bill to prohibit vehicles over 10,000 lbs. gross vehicle weight from traveling on Lower Donnelly Road and amending the Traffic Control File, established by the Code of the City

of Charleston, West Virginia, two thousand three, as amended, Traffic Law, Chapter one hundred fourteen, Article four, Division two, Section two hundred sixty-three, to conform therewith.

**Refer to Streets and Traffic Committee.**

Introduced by Councilman Pat Jones on May 3, 2004:

**Bill No. 7063 - A Bill** to establish a vehicular parking zone for the exclusive use of the Physically disabled on the easterly side of 27<sup>th</sup> Street West from a point 30 feet north of 6<sup>th</sup> Avenue to a point 74 feet north of 6<sup>th</sup> Avenue to provide for the removal of vehicles illegally parked in these spaces, to incorporate the provisions of West Virginia Code, Chapter 17C, Article 13, Section 16, 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 Councilman Pat Jones on May 3, 2004:

**Bill No. 7064 - A Bill** to establish a vehicular parking zone for the exclusive use of the Physically disabled on the northerly side of 6<sup>th</sup> Avenue from a point 46 feet east of 27<sup>th</sup> Street, West to a point 93 feet east of 27<sup>th</sup> Street, West to provide for the removal of Vehicles illegally parked in these spaces, to incorporate the provisions of West Virginia Code, Chapter 17C, Article 13, Section 16, 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.**

## **UNFINISHED OR MISCELLANEOUS BUSINESS**

Councilman David Higgins conducted a presentation concerning the City's Unfunded Pension.

## **ROLL CALL**

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

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

ABSENT:

At 8:45 p.m., on motion of Councilman Loeb, Council adjourned until Monday, May 17, 2004, at 7:00 p.m.

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Danny Jones, Honorable Mayor

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James M. Reishman, City Clerk