

## **SEPTEMBER 17, 2001 CHARLESTON CITY COUNCIL JOURNAL**

### **OPENING STATEMENTS**

Mayor Goldman asked for a moment of silence for the September 11, 2001 Attack on America.

Councilman John Charnock lead Council and public in the Pledge of Alliegence.

Tony Jackson, Refuse Collection, sang the National Anthem.

Councilwoman Mary Jane Lopez placed an American Flag on each Council members' desk.

### **PUBLIC SPEAKERS**

1. Carter Zerbe
2. Susan Verhaalen
3. Colleen Anderson
4. Spyros Stanley

### **CLAIMS**

1. A Claim of Nancy Birthisel; 4502 Noyes Avenue, Charleston, WV; alleges damage to vehicle; Referred to City Solicitor.
2. A Claim of Al Williams; 674 Gordon Drive, Charleston, WV; alleges damage to vehicle; Referred to City Solicitor.
3. A Claim of Virginia B. Myers; 4312 Washington Avenue, Charleston, WV; alleges personal injury; Referred to City Solicitor.

### **COMMUNICATIONS**

#### ***PROCLAMATION***

#### **ONE FOLLOWING**

## MISCELLANEOUS RESOLUTIONS

Introduced by Mayor Jay Goldman and Members of City Council on September 17, 2001:

Resolution No. 842-01, To declare September 17, 2001 as a day to honor THE UNITED STATES OF AMERICA in the City of Charleston, West Virginia.

WHEREAS, America is the land of the free and the home of brave, known best for its patriotism, perseverance and courage in times of crisis; and

WHEREAS, America was victimized by terrorism on September 11, 2001 on its own soil, forcing citizens to remember the foundations this country was built upon and to pass on these values to our children so that they will always remember what the American flag stands for; and

WHEREAS, America must now come together to defend the right and privilege of freedom, which includes all races, colors, creeds and religions being able to live together while embracing and practicing their respective beliefs without the fear of punishment or retribution; and

WHEREAS, America will not tolerate terrorism against our country, citizens or way of life and now must begin our defense against a faceless coward who hides in the shadows in order to preserve our ideals; and

WHEREAS, America, although wounded and solemn, will unfurl the red white and blue and rise again from the ashes, showing the world that there is nothing stronger than Americans fighting to preserve their freedom.

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

That September 17, 2001 is declared as a day to honor THE UNITED STATES OF AMERICA in the City of Charleston, West Virginia.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 842-01 adopted unanimously.

## REPORTS OF STANDING COMMITTEES

### ***PLANNING***

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

1. Your Committee on Planning has had under consideration Jordan Place Street Dedication attached hereto and made a part hereof. Your Committee finds that the bond should be in the amount of \$25,000.00 and for a period of 5 years, and reports the same to Council with the recommendation that the street dedication should be accepted upon receipt of the bond.

Councilwoman Davis made a motion to lay the Street Dedication over until October 1, 2001 meeting of Council.

The question being on the approval of the motion a vote was taken. There being no dissent the Mayor declared Jordan Place Street Dedication laid over until October 1, 2001 meeting of Council.

### ***STREETS and TRAFFIC***

Councilwoman Beth Fouty-Young, Chairman of the Council Committee on Streets and Traffic, submitted the following reports.

1. Your Committee on Streets and Traffic has had under consideration Bill No. 6728, and reports the same to Council with the recommendation the Bill pass, as amended.

Councilman Molgaard made a motion to Table Bill No. 6728, until a Residential Permit Parking Policy is adopted.

The question being on the passage of the motion a roll call was taken and there were; yeas-8, nays-17, absent-2, as follows:

YEAS: Knauff, Lane, David Lanham, Molgaard, Nielsen, Reishman, Roller, and Talkington.

NAYS: Charnock, Crickenberger, Davis, Fouty-Young, Haas, Harris, Henry, Jones, Kimberling, James Lanham, Lopez, McKnight, Morton, Pettry, Prunty, Quick, and Mayor Goldman.

ABSENT: Loeb and Markham.

With a majority of members elected recorded thereon as voting in the negative, the Mayor declared the motion failed.

Councilwoman Fouty-Young made a motion to amend the Bill on Line 1 and Line 9 by inserting after the word "on" the words "the southerly side of" and on Line 12 by deleting all of Section 2., after the word "area" and inserting in lieu thereof the words "in accordance with the City of Charleston Residential Permit Parking Policy." And by deleting Section 3 and Section 4 and by renumbering Section 5 to be Section 3.

The question being on the passage of the amendment a roll call was taken and there were; yeas-3, nays-22, absent-2, as follows:

YEAS: Knauff, Roller, and Talkington.

NAYS: Charnock, Crickenberger, Davis, Fouty-Young, Haas, Harris, Henry, Jones, Kimberling, Lane, David Lanham, James Lanham, Lopez, McKnight, Molgaard, Morton, Nielsen, Pettry, Prunty, Quick, Reishman, and Mayor Goldman.

ABSENT: Loeb and Markham.

With a majority of members elected recorded thereon as voting in the negative the Mayor declared the amendment failed.

Councilman Henry made a motion to Table the Streets and Traffic Bills numbered on the agenda as 1 through 7 until a Residential Permit Parking Policy is adopted.

The question being on the passage of the motion a vote was taken. There being no dissent the Mayor declared the motion passed unanimously.

8. Your Committee on Streets and Traffic has had under consideration Bill No. 6848, and reports the same to Council with the recommendation that the Bill pass.

Bill No. 6848, a Bill to establish a vehicular parking zone for the exclusive use of the physically disabled on the westerly side of Greenbrier Street from a point 56 feet south of Franklin Avenue to a point 100 feet south of Franklin 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, one thousand nine hundred seventy-five, as amended, Traffic Law, Chapter thirty-one, Article three, to conform therewith.

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

Section 1. A vehicular parking zone for the exclusive use of the physically disabled on the westerly side of Greenbrier Street from a point 56 feet south of Franklin Avenue to a point 100 feet south of Franklin Avenue is hereby established.

Section 2. In order for a physically disabled person to utilize the parking spaces provided in the preceding section the vehicle which they are driving or in which they are being transported must display the distinguishing insignia provided for in West Virginia Code, Chapter 17C, Article 13, Section 6.

Section 3. It shall be unlawful for any vehicle not displaying the insignia provided for in Section 2 to park in those spaces for the disabled provided for in Section 1. Any vehicle in violation of this section may be ticketed and impounded as provided for in Chapter 31, Vehicles and Traffic Law, Code of the City of Charleston, West Virginia.

Section 4. The Traffic Control Map and Traffic Control File, established by the Code of the City of Charleston, West Virginia, one thousand nine hundred seventy-five, as amended, Traffic Law, Chapter thirty-one, Article three, shall be and hereby are amended to conform to this Ordinance therewith.

aw, Chapter thirty-one, Article three, shall be and hereby are amended to conform to this Ordinance.

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

YEAS: Charnock, Crickenberger, Davis, Fouty-Young, Haas, Harris, Henry, Jones, Kimberling, Knauff, Lane, David Lanham, James Lanham, Lopez, McKnight,

Molgaard, Morton, Nielsen, Pettry, Prunty, Quick, Reishman, Roller, Talkington, and Mayor Goldman.

NAYS: None.

ABSENT: Loeb and Markham.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 6848 passed unanimously.

### ***FINANCE***

Councilman Larry Roller, Chairman of the Council Committee on Finance, submitted the following reports.

1. Your Committee on Finance has had under consideration Resolution No. 813-01, and reports the same to Council with the recommendation that the Resolution be adopted.

Councilwoman Crickenberger made a motion to Lay Over Resolution No. 813-01 until the October 1, 2001 meeting of Council.

The question being on the approval of the motion a vote was taken. There being no dissent the Mayor declared Resolution No. 813-01 Laid Over until October 1, 2001 meeting of Council.

2. Your Committee on Finance has had under consideration Resolution No. 836-01, and reports the same to Council with the recommendation that the Resolution be adopted.

Resolution No. 836-01—“Authorizing transfer of funds from the following accounts: \$208,580.66 - Account No. 50-215-0, Infrastructure Fund; \$171,419.34 - Account No. 57-215-0, Bridge Ramp Fund for a total of: \$380,000.00 - into Account No. 58-114-0, General Maintenance Fund as set forth in the attached project funding schedule, approved by City Council on April 2, 2001; and further authorizing the Mayor to enter into a contract with West Virginia Paving, in the amount of \$344,796.31, and providing for additional funds in an amount not to exceed \$35,203.69 to cover the relocation of AEP electrical service. The retaining wall project set at \$150,000, and previously included in the overall scope of work, is no longer being considered for construction. All funds in an amount not to exceed \$500,000 will be reimbursed through a grant from an anonymous donor.”

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

That the transfer of funds from the following accounts:

\$208,580.66 - Account No. 50-215-0, Infrastructure Fund

\$171,419.34 - Account No. 57-215-0, Bridge Ramp Fund

for a total of: \$380,000.00 - into Account No. 58-114-0, General Maintenance Fund as set forth in the attached project funding schedule, approved by City Council on April 2, 2001; and further authorizing the Mayor to enter onto a contract with West Virginia Paving, in the amount of Three Hundred Forty-four Thousand Seven Hundred Ninety-six Dollars and Thirty-one Cents (\$344,796.31), and providing for additional funds in an amount not to exceed Thirty-five

Thousand Two Hundred Three Dollars and Sixty-nine Cents (\$35,203.69) to cover the relocation of AEP electrical service. The retaining wall project set at \$150,000, and previously included in the overall scope of work, is no longer being considered for construction. All funds in an amount not to exceed \$500,000 will be reimbursed through a grant from an anonymous donor; To be charged to Account No. 58-900-0-0-4-060, P&R–Capital Outlay, Major Improvements.

#### FOLLOWING

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 836-01 adopted unanimously.

3. Your Committee on Finance has had under consideration Resolution No. 837-01, and reports the same to Council with the recommendation that the Resolution be adopted.

Resolution No. 837-01–“Authorizing the Mayor to enter into a contract with Echo, Inc., in the amount of \$59,950, for Improvements to Soccer Fields at John Adams Jr. High School.”

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 Echo, Inc., in the amount of Fifty-nine Thousand Nine Hundred Fifty Dollars (\$59,950), for Improvements to Soccer Fields at John Adams Jr. High School; To be charged to Account No. 61-061-0-0-5-067, Contributions–Other Governmental Units.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 837-01 adopted unanimously.

4. Your Committee on Finance has had under consideration Resolution No. 838-01, and reports the same to Council with the recommendation that the Resolution be adopted.

Resolution No. 838-01–“Authorizing the Mayor to enter into a contract with Harmon Turf Services, Inc., in the amount of \$5,600, for the Drill Backfill Aeration Project for the Soccer Field at Cato Park.”

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 Harmon Turf Services, Inc., in the amount of Five Thousand Six Hundred Dollars (\$5,600), for the Drill Backfill Aeration Project for the Soccer Field at Cato Park; To be charged to Account No. 61-061-0-0-4-058, Capital Outlay–Special Projects, Soccer Fields

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 838-01 adopted unanimously.

5. Your Committee on Finance has had under consideration Resolution No. 839-01, and

reports the same to Council with the recommendation that the Resolution be adopted.

Resolution No. 839-01—“Authorizing the Mayor to sign the HUD Section 108 Loan Contract for a \$6 million loan for the Kanawha Hotel Economic Development Project.”

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

That the Mayor is hereby authorized and directed to sign the HUD Section 108 Loan Contract for a Six Million Dollar (\$6,000,000) loan for the Kanawha Hotel Economic Development Project.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-22, nays-1, absent-2, abstentions-2, as follows:

YEAS: Charnock, Crickenberger, Davis, Fouty-Young, Haas, Harris, Henry, Jones, Kimberling, Knauff, David Lanham, James Lanham, Lopez, McKnight, Molgaard, Morton, Nielsen, Pettry, Quick, Reishman, Roller, and Mayor Goldman.

NAYS: Talkington.

ABSENT: Loeb and Markham.

ABSTAIN: Lane and Prunty.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 839-01 adopted.

6. Your Committee on Finance has had under consideration Resolution No. 840-01, and reports the same to Council with the recommendation that the Resolution be adopted.

Resolution No. 840-01—“Authorizing the Mayor to sign one (1) 2002 Legislative Digest Grant Application with the West Virginia Development Office in the amount of \$10,000 to provide funds for the Local Economic Development Assistance Program - Manna Meals.

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

That the Mayor is hereby authorized and directed to sign one (1) 2002 Legislative Digest Grant Application with the West Virginia Development Office in the amount of Ten Thousand Dollars (\$10,000) to provide funds for the Local Economic Development Assistance Program - Manna Meals.

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

YEAS: Charnock, Crickenberger, Davis, Fouty-Young, Haas, Harris, Henry, Jones, Kimberling, Knauff, Lane, David Lanham, James Lanham, Lopez, McKnight, Molgaard, Morton, Nielsen, Pettry, Prunty, Quick, Reishman, Roller, Talkington, and Mayor Goldman.

NAYS: None.

ABSENT: Loeb and Markham.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 840-01 adopted unanimously.

7. Your Committee on Finance has had under consideration Resolution No. 841-01, and reports the same to Council with the recommendation that the Resolution be adopted.

Resolution No. 841-01—“Authorizing the Finance Director to allocate funds in the amount of \$14,000 for a HOME Program project in North Charleston.”

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

That the Finance Director is hereby authorized and directed to allocate funds in the amount of Fourteen Thousand Dollars (\$14,000) for a HOME Program project in North Charleston; To be charged to Account No. 30-99-00-005, HOME Program—Acquisition of Property.

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

YEAS: Charnock, Crickenberger, Davis, Fouty-Young, Haas, Harris, Henry, Jones, Kimberling, Knauff, Lane, David Lanham, James Lanham, Lopez, McKnight, Molgaard, Morton, Nielsen, Pettry, Prunty, Quick, Reishman, Roller, Talkington, and Mayor Goldman.

NAYS: None.

ABSENT: Loeb and Markham.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 841-01 adopted unanimously.

8. Your Committee on Finance has had under consideration bid submitted by Tennant Sales & Service, Inc., in the amount of \$26,206.05, for an All-Terrain Litter Vacuum to be used by the Parks & Recreation Department; To be charged to Account No. 01-900-0-0-4-061, 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 unanimously.

9. Your Committee on Finance has had under consideration bid submitted by Krigger, in the amount of \$4,985, for a Pin Mounted Top Dresser to be used by the Parks & Recreation Department; To be charged to Account No. 01-900-0-0-4-059, P&R—Capital Outlay, Equipment, 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 unanimously.

10. Your Committee on Finance has had under consideration bid submitted by West Virginia Tractor Company, in the amount of \$16,800, for purchase of two (2) Hopper-Type Salt Spreaders to be used by the Street Department; To be charged to Account No. 01-750-0-0-4-059,

Street–Capital Outlay, Equipment, 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 unanimously.

11. Your Committee on Finance has had under consideration proposal submitted by Lockheed Martin Information Systems, in the amount of \$29,363, for purchase of software modifications to permit interfacing of the Automated Fingerprinting Interface System (AFIS) and the Records Management System, allowing for electronic capture and transfer of fingerprints for the Charleston Police Department; To be charged to Account No. 39-178-98-0-0-059, Police–AFIS Grant, 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 unanimously.

12. Your Committee on Finance has had under consideration proposal submitted by Visionair, in the total amount of \$13,800, for purchase (\$12,000) and installation (\$1,800) of software modifications to serve as an interface between recently purchased servers for the Automated Fingerprinting Interface System (AFIS) and the Records Management System, allowing for electronic capture, storage and transfer of fingerprint records for the Charleston Police Department; To be charged to Account No. 39-178-98-0-0-059, Police–AFIS Grant, 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 unanimously.

13. Your Committee on Finance has had under consideration proposal submitted by Visionair, Inc., in the amount of \$8,962.80, for purchase of four (4) licenses for the new Mobile Data Terminals used by units of the Charleston Police Department to interconnect with the Records Management System and the 911 System.

To be charged to the following accounts:

\$2,240.70 - 19-019-00-0-4-59, Local Law Enforcement Block Grant - 99

\$4,481.40 - 29.173-0-0-4-59, MDENT

\$2,240.70 - 39-180-00-0-0-59, Juvenile Accountability Block Grant FY 00-01, 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 unanimously.

14. Your Committee on Finance has had under consideration amending the purchase for laptop computers from Megabyte Business Systems, approved by Council on July 18, 2001, and used by the Charleston Police Department, by changing Account No. 39-180-00-0-0-059, JAIBG, to Account No. 37-037-0-0-4-059, LLEBG-2000, and charging \$4,147.99 of the total purchase

price of \$12,443.97 to this account, 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 unanimously.

15. Your Committee on Finance has had under consideration proposal submitted by Kustom Signals, Inc., in the amount of \$2,495, for purchase of one (1) Golden Eagle Dual KA Band Radar, including "Eyewitness Interface" for use by the Traffic Enforcement Division of the Charleston Police Department; To be charged to Account No. 39-175-00-3-0-38, Police-Highway Safety Grant, 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 unanimously.

16. Your Committee on Finance has had under consideration proposal submitted by Hourly Computer Services, Inc., in the amount of \$5,790.82, for purchase of four (4) Gateway E3400 computers and two (2) HP 8220E external CD writers for use by various units in the Charleston Police Department; To be charged to Account No. 19-019-0-0-4-059, Police-LLEBG-99, 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 unanimously.

17. Your Committee on Finance has had under consideration proposal submitted by New Shanklin Greenhouse, in the amount of \$4,413.65, for purchase of Spring Bedding Plants for planting in various areas throughout the City; To be charged to Account No. 01-567-0-0-3-041, Public Grounds-Materials & Supplies, 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 unanimously.

18. Your Committee on Finance has had under consideration Bill No. 6846, and reports the same to Council with the recommendation that the Bill do pass.

Bill No. 6848, a Bill to amend and re-enact Section 2-73 of the Code of the City of Charleston, relating to advertising for bids.

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

That Section 2-73 of the Code of the City of Charleston, is hereby amended and re-enacted to read as follows:

Sec. 2-73. When advertising for bids required; publication of advertisement, time for opening of bids; letting of contracts; contracts to be in writing.

Whenever any contract is proposed to be entered into by the city involving the expenditure of more than two thousand dollars, except where such contract involves the rendering of professional services, the city manager shall publish an advertisement calling for bids for this work, unless it is decided to do this work with city personnel or others employed by the city for such purposes. The time for opening such bids shall not be less than ten days from the date of the first publication of the advertisement. The advertisement shall be printed once a week for two successive weeks in two newspapers of the opposite politics, and of general circulation and published in the city, preceding the time of opening bids, and such publication shall be deemed reasonable and due notice as provided for in section 61 of the city Charter. The council shall reserve the right to reject any and all bids, but the contract, if let, must be let to the lowest responsible bidder. (Code 1957, pt. 1 art.35, s 1; Ordinance No. 3698, 2-21-84).

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

YEAS: Charnock, Crickenberger, Davis, Fouty-Young, Haas, Harris, Henry, Jones, Kimberling, Knauff, Lane, David Lanham, James Lanham, Lopez, McKnight, Molgaard, Morton, Nielsen, Pettry, Prunty, Quick, Reishman, Roller, Talkington, and Mayor Goldman.

NAYS: None.

ABSENT: Loeb and Markham.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 6846 passed unanimously.

19. Your Committee on Finance has had under consideration Bill No. 6847, and reports the same to Council with the recommendation that the Bill do pass.

Bill No. 6847, a Bill to amend and re-enact Section 2-83 of the Code of the City of Charleston, relating to purchase of supplies and materials.

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

That Section 2-83 of the Code of the City of Charleston, is hereby amended and re-enacted to read as follows:

Sec. 2-83. Purchase of supplies and materials.

(a) All supplies and materials for the various departments of the city government, not exceeding at any one time the sum of three thousand five hundred dollars, shall be purchased by the city manager, and every reasonable precaution shall be taken to procure the supplies and materials at the very lowest price possible consistent with good service and quality. All such purchases shall be made upon requisition signed by the officer in charge of the department for which the supplies or materials are needed, and filed with the city manager, who shall thereupon

direct his order to the person from whom it is proposed to purchase the supplies or materials, requiring him to deliver the supplies to the person in charge of the department for which ordered, and the supplier shall make out his bill at the contract price, on a blank form attached to order and furnished therewith by the manager, and shall send the bill with the goods to the officer in charge of the department for which they were ordered; and it shall be the duty of the officer to examine the goods delivered and the quantity thereof, and if he finds the quantity to be as stated in the order and the quality first class or of the grade ordered, he shall endorse the bill with a statement that the goods have been received and the quantity and quality found to be correct and shall return the bill and the order upon which it was furnished to the merchant or person making the same, who shall file it with the city manager for approval and authorization for payment. If found incorrect, or if the quality be found below the standard and grade ordered, the officer in charge shall refuse to accept the goods and shall notify the manager to that effect, and the person furnishing the goods shall be notified by the officer in charge of the department that the goods can only remain where delivered at the risk of the person delivering.

(b) The purchase of supplies and materials for the various departments of the city government exceeding at any one time the sum of three thousand five hundred dollars shall first be approved by the city council, and thereupon the provisions of subsection (a) of this section shall become applicable.

(c) Nothing in this article shall be construed to preclude the purchase by the city of materials, supplies and equipment by agreement between the city and state director of the division of purchases of the department of finance and administration, as provided in subsection (a), section 8-12-10 of the Code of West Virginia.

The question being on the passage of the Bill a roll call was taken and there were; yeas-24, nays-1, absent-2, as follows:

YEAS: Crickenberger, Davis, Fouty-Young, Haas, Harris, Henry, Jones, Kimberling, Knauff, Lane, David Lanham, James Lanham, Lopez, McKnight, Molgaard, Morton, Nielsen, Pettry, Prunty, Quick, Reishman, Roller, Talkington, and Mayor Goldman.

NAYS: Charnock.

ABSENT: Loeb and Markham.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 6847 passed.

20. Your Committee on Finance has had under consideration payment of an invoice from Kanawha County Sheriff's Department, in the amount of \$5,328.33, for reimbursement of officer overtime incurred during seatbelt patrols and checkpoints for the period February 2, 2001 to August 15, 2001; To be charged to Account No. 39-175-00-3-0-02, Police-Highway Safety Grant, 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 unanimously.

21. Your Committee on Finance has had under consideration payment of an invoice from Dunbar Police Department, in the amount of \$4,602.97, for reimbursement of police overtime incurred during seatbelt patrols and checkpoints for the period October 1, 2000 to August 31, 2001; To be charged to Account No. 39-175-00-3-0-02, Police–Highway Safety Grant, 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 unanimously.

22. Your Committee on Finance has had under consideration payment of an invoice from Visionair, in the amount of \$25,784.85, for the final half of retainage due for development of the Records Management System and Mobile Data Network for the Charleston Police Department; To be charged to Account No. 19-019-0-0-4-59, Police–LLEBG–99, 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 unanimously.

23. Your Committee on Finance has had under consideration payment of an invoice from Electronic Communications, in the amount of \$2,180, for installation of twelve (12) In-Car Video Camera Systems in six Traffic Enforcement units and six marked spare units for the Charleston Police Department; To be charged to Account No. 01-700-0-0-2-016, Police – Maintenance & Repair, Equipment, 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 unanimously.

24. Your Committee on Finance has had under consideration payment of an invoice from Fletcher Data Systems, in the amount of \$6,030.50, for hardware and software maintenance support for the C.L.A.W.S. system used by the Charleston Police Department for the period July 1, 2001 through December 31, 2001; To be charged to Account No. 01-700-0-0-2-016, Police – Maintenance & Repair, Equipment, 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 unanimously.

25. Your Committee on Finance has had under consideration payment of an invoice from Charleston Lincoln Mercury, in the amount of \$4,403.72, for repairs made to Police Unit #207, damaged when struck by another vehicle on July 18, 2001; To be charged to Account No. 01-700-0-0-2-017, Police–Maintenance & Repair, 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 unanimously.

26. Your Committee on Finance has had under consideration payment of an invoice from SkillPath On-Site, in the amount of \$3,000, for 35 City employees to attend a seminar on “Excelling as Manager or Supervisor” held on August 29, 2001; To be charged to various City departments, 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. Municipal Court Financial Information for August, 2001: Received and Filed.
2. City of Charleston Payroll Variance Analysis August, 2001; Received and Filed.
3. Application of Texas Steakhouse & Saloon to operate a private club, private wine restaurant or tavern located at 2815 Mountaineer Boulevard; Received and Filed.
4. Building Department Monthly Report for August, 2001; Received and Filed.
5. City Treasurer’s Report to City Council Month Ending August, 2001; Received and Filed.

### **NEW BILLS INTRODUCED**

#### **UNFINISHED OR MISCELLANEOUS BUSINESS**

Larry Roller’s birthday is on the 24<sup>th</sup>.

Bobby Haas’ birthday is on the 27<sup>th</sup>.

Mary Jane Lopez asked Council members to keep the flags on their desk’s.

John Charnock requested a surplus financial report.

Mayor Goldman asked for any objections to the city providing labor for repairs at the John Adams Junior High School field. The county will provide materials. There were no objections.

Mayor Goldman asked for any objections to the city giving Firetruck #50 to the city of Gassaway for the sum of \$1.00. There were no objections.

Mayor Goldman announced members of the Charleston Fire Department may go to New York City to provide assistance with regard to the terrorist attack on the World Trade Center.

## ROLL CALL

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

YEAS: Charnock, Crickenberger, Davis, Fouty-Young, Haas, Harris, Henry, Jones, Kimberling, Knauff, Lane, David Lanham, James Lanham, Lopez, McKnight, Molgaard, Morton, Nielsen, Pettry, Prunty, Quick, Reishman, Roller, Talkington, and Mayor Goldman.

ABSENT: Loeb and Markham.

At 9:00 p.m., on motion of Councilman Henry, Council adjourned until 7:00 p.m., Monday, October 1, 2001.

---

Jay Goldman, Honorable Mayor

---

James M. Reishman, City Clerk