

JOURNAL

OF THE

COUNCIL

CITY OF CHARLESTON

WEST VIRGINIA

DECEMBER 17, 2001

THE COUNCIL MET IN CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE SECOND MEETING IN THE MONTH OF DECEMBER, ON THE 17TH DAY, IN THE YEAR 2001, AND WAS CALLED TO ORDER BY THE HONORABLE MAYOR, JAY GOLDMAN.

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

CHARNOCK	LANE	PETTRY	
CRICKENBERGER	DAVID LANHAM	PRUNTY	
DAVIS	JAMES LANHAM	QUICK	
LOEB	HAAS	LOPEZ	
ROLLER	HARRIS	MARKHAM	
TALKINGTON	MOLGAARD	MCKNIGHT	
JONES	KIMBERLING	KNAUFF	
NIELSEN			
MAYOR GOLDMAN			

TWENTY-THREE 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.

DECEMBER 17, 2001 SECOND MEETING

CHARLESTON CITY COUNCIL JOURNAL DECEMBER 17, 2001

PUBLIC SPEAKERS

1. NONE

CLAIMS

1. A Claim of Linda Bonasso, 1427 Summit Lane, Charleston ,WV; alleges damage to property;
Refer to City Solicitor.

2. A Claim of Anthony V. Centofanti, 112 Woodbridge Dr., Charleston WV; alleges damage to
property;
Refer to City Solicitor.

COMMUNICATIONS

TO: James Reishman, City Clerk
FROM: Jay Goldman, Mayor
RE: Board of Supervisors of Public Solicitation and Funds
DATE: December 12, 2001

I am informing City Council that I have appointed Ken Guthrie, P.O. Box 2749, Charleston, WV.
25330, be appointed to the Board of Supervisors of Public Solicitation and Funds, with said term to
expire December 1, 2005.

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

MISCELLANEOUS RESOLUTIONS

NONE

REPORTS OF STANDING COMMITTEES

PLANNING

Municipal Planning Commission
December 5, 2001

On December 5, 2001, the Municipal Planning Commission held public hearings and its regular monthly meeting. The following case was heard by the Commission:

Special Permit No. 1047 - Application of Taste of Italy, LLC requesting a special permit to sell alcohol in an Urban Renewal District accessory to the restaurant located at 205 Capitol Street.

Referred to Planning Committee of Council.

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. 898-01, and reports the same to Council with the recommendation that the Resolution be adopted.

Resolution No. 898-01, “ Authorizing the Mayor to enter into a contract with McNeil Fence Co., Inc., in the amount of \$9,050, for purchase of a chain link fence and related materials for installation on Slack Street.”

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 McNeil Fence Co., Inc., in the amount of Nine Thousand Fifty Dollars (\$9,050), for purchase of a chain link fence and related materials for installation on Slack Street.”

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 898-01 adopted unanimously.

2. Your Committee on Finance has had under consideration Resolution No. 899-01, and reports the same to Council with the recommendation that the Resolution be adopted.

Resolution No. 899-01, “ Authorizing the sale of two (2) Recycling Trucks to Lexington Fayette Urban County Government in the total amount of \$81, 000 (\$45,500/2000 GMC T6500 with 11, 305 miles; and \$ 35,500/1999 GMC T7500 with 14, 074 miles).”

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

That the sale of two (2) Recycling Trucks to Lexington Fayette Urban Government in the total amount of Eighty-one Thousand Dollars (\$81,000) [\$45, 500/2000 GMC T6500 w/11,305 miles; and \$35,500/1999 T7500 w/14,075 miles], is hereby approved.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 899-01 adopted unanimously.

3. Your Committee on Finance has had under consideration Resolution No.900-01, and reports the same to Council with the recommendation that the Resolution be adopted.

Resolution No. 900-01, “Authorizing the consent of the assignment of the Lease Agreement dated October 19, 1998, by and between The City of Charleston and The State Journal Corporation to the West Virginia Media Holdings, LLC, a Delaware limited liability company.”

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

That the assignment of the Lease Agreement dated October 19, 1998, by and between The City of Charleston and The State Journal Corporation to the West Virginia Media Holdings, LLC, a Delaware limited liability company, is hereby approved.

The State Journal Corporation is leasing 4,982 sq. ft. of space in Municipal Parking Building No. 1, located at the corner of Virginia and McFarland streets, and the lease is in effect until October 31, 2004. The monthly rate through October 31, 2002 is \$2,491/month; November 1 ,2002 October 31, 2004, \$2,615.77/month; and November 1, 2003 to October 31, 2004, \$2, 746.55/month.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 900-01 adopted unanimously.

4. Your Committee on Finance has had under consideration Resolution No.901-01, and reports the same to Council with the recommendation that the Resolution be adopted.

Resolution No. 901-01, “ Authorizing and Directing the Mayor to make an official request to Dow Chemical to use a portion of its property as an access emergency evacuation road in North Charleston and to accept an easement or enter into an agreement regarding said property for such purpose.

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

That the Mayor make an official request to Dow Chemical to use portion of its property as an access emergency evacuation road in North Charleston and to accept an easement or enter into an agreement regarding said property for such purpose.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 901-01 adopted unanimously.

5. Your Committee on Finance has had under consideration Resolution No.902-01, and reports the same to Council with the recommendation that the Resolution be adopted.

Resolution No. 902-01,” Authorizing the Mayor to enter into a Commercial Account Agreement with Bank One, West Virginia, NA, to provide all services relating to deposits and withdrawals on City accounts with commencement of the Agreement to be on the date of receipt and acceptance by Bank One, and ending on the second anniversary of the commencement date with an option to renew for an additional two-year period.”

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 Commercial Account Agreement with Bank One, West Virginia, NA, to provide all services relating to deposits and withdrawals on City accounts with commencement of the Agreement to be on the date of receipt and acceptance by Bank One, and ending on the second anniversary of the commencement date with an option to renew for an additional two-year period.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 902-01 adopted unanimously

6. Your Committee on Finance has had under consideration Resolution No.903-01, and reports the same to Council with the recommendation that the Resolution be adopted.

Resolution No. 903-01,”Authorizing the Finance Director to make revisions to the 2001-2002 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 2001-2002 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.

ABSTAIN: Charlie Loeb

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 903-01 adopted unanimously

7. Your Committee on Finance has had under the consideration a bid submitted by Peerless Block in the amount of \$4,436.70, for purchase of Limestone Blocks and related materials for construction of a concession building at the Kanawha City Community Center. To be charged to Account No. 58-900-0-0-4-060, P & R - - Capital Outlay, Major Improvements.

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.

8. Your Committee on Finance has had under the consideration of payment of an invoice from Clancy Systems International, Inc., in the amount of \$4,800, for the annual maintenance fee and software license/support fee for Parking Citation Issuance and Processing System for the period November 1, 2001 to October 31, 2002. To be charged to Account No. 85-571-0-0-2-061, Parking System - - Maintenance & Repair, Equipment.

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 the consideration of payment of an invoice from Taylor Made Fitness, in the amount of \$ 5,495, for exercise equipment to be used at the North Charleston Community Center. To be charged to Account No. 25-000-00-059, CDBG - - P&R, North Charleston Community Center.

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

YEAS: Charnock,, Crickenberger, Davis, Haas, Harris, Jones, Kimberling, Knauff, Lane, David Lanham, James Lanham, Loeb, Lopez, Markham, McKnight, Molgaard, Nielsen, Pettry, Prunty, Quick, Roller, Talkington, and Mayor Goldman.

NAYS: None.

ABSENT: Fouty-Young, Henry, Morton, Reishman.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the committee report passed unanimously.

10. Your Committee on Finance has had under the consideration of payment of an invoice from Heenan, Althen & Roles LLP, in the amount of \$3,735.30, for professional services rendered for the month of June 2001. To be charged to Account No. 01-417-0-0-2-023, Legal Department - - Professional Services.

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 the consideration the payment of two invoices from Bowles, Rice, McDavid, Graff & Love, in the amount of \$ 19,041.75, for professional services rendered regarding general workers' compensation issues from September 4, 2001 through October 25, 2001 (\$4,015.98); and the City of Charleston Policy Manual from December 2, 1999 through November 30, 2001 (\$15,025.77). To be charged to Account No. 01-417-0-0-2-023, Legal Department- - Professional Services.

ABSTAIN: Tom Lane, Charlie Loeb, and Ditty Markham

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.

REPORTS OF OFFICERS

1. Report of the City of Charleston , Municipal Court Financial Statements; November 2001; Received and Filed.

2. Report of the Charleston Building Department, November, 2001; Received and Filed.

3. City of Charleston Financial Statements for the Five- Month Period Ended November 30, 2001; Received and Filed

4. City Treasurer's Report to City Council Month Ending November, 2001; Received and Filed.

NEW BILLS INTRODUCED

Introduced by Councilwoman Sara Crickenberger on December 17, 2001:

BILL NO. 6870, a Bill to amend and re-enact Ordinance No. 6547 passed by Council on February 16, 1999, establishing a one hour vehicular parking zone for the physically disabled on the southerly side of Quarrier Street from a point 75 feet east of Summers Street to a point 120 feet east of Summers Street; Metered Vehicular parking zone for the physically disabled on the southerly side of Quarrier Street from a point 75 feet east of Summers Street to a point 120 feet east of Summers Street 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.

Refer to Council Committee on Streets and Traffic

Introduced by Councilwoman Sara Crickenberger on December 17, 2001:

BILL NO. 6871, a Bill to amend and re-enact Ordinance No.6548 passed by Council February 16, 1999, establishing a one hour vehicular parking zone for the physically disabled on the easterly side of Summers Street from a point 116 feet south of Quarrier Street to a point 136 feet south of Quarrier St; Metered Vehicular parking zone for the physically disabled on the easterly side of Summers Street from a point 116 feet south of Quarrier Street to a point 136 feet south of Quarrier Street 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.

Refer to Council Committee on Streets and Traffic

Introduced by Councilwoman Sara Crickenberger on December 17, 2001:

BILL NO. 6872, a Bill to repeal Ordinance No. 6084 passed by Council March 20, 1995, relating to a State Vehicle Parking Only Tow-Away zone on the east side of Elizabeth Street beginning 60 feet north of Washington Street and extending to a point 125 feet north of Washington Street from 7:00 a.m. to 6:00p.m. Monday through Friday 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.

Refer to Council Committee on Streets and Traffic

Introduced by Councilwoman Sara Crickenberger on December 17, 2001:

BILL NO. 6873, a Bill establishing Article XVII of Chapter 31 of the Charleston City Code relating to the creation of valet parking areas.

Refer to Council Committee on Streets and Traffic

Introduced by Councilman Larry Roller on December 17, 2001:

BILL NO. 6874, a Bill to amend and re-enact Section 2-73 of the Code of the City of Charleston, relating to advertising for bids.

Refer to Finance Committee

Introduced by Councilman Larry Roller on December 17, 2001:

BILL NO. 6875, a Bill to amend and re-enact Section 2-83 of the Charleston City Code, by adding provisions to prohibit the purchase of expenditure of funds to businesses or individuals that are delinquent in any financial obligation to the City or are not in compliance with any City licensing or permit requirement.

Refer to Finance Committee

Introduced by Councilwoman Linda Nielsen on December 17, 2001:

BILL NO. 6876, a Bill establishing Article V of Chapter 25 of the Charleston City Code pertaining to wastewater containing fats, oils, and grease.

Refer to Council Committee on Environment and Recycling

Introduced by Councilwoman Linda Nielsen on December 17, 2001:

BILL NO. 6877, a Bill amending and re-enacting Article IV of Chapter 25 of the Charleston City Code pertaining to Industrial Wastewater Discharges.

Refer to Council Committee on Environment and Recycling

UNFINISHED OR MISCELLANEOUS BUSINESS

The Mayor announced that the 2001 Olympic Torch Event, that will be held at Haddad Riverfront Park in Charleston on Tuesday evening, December 18 at 7:00 p.m.

ROLL CALL

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

YEAS: Charnock, Crickenberger, Davis, Haas, Harris, Jones, Kimberling, Knauff, Lane, David Lanham, James Lanham, Loeb, Lopez, Markham, McKnight, Molgaard, Nielsen, Pettry, Prunty, Quick, Roller, Talkington, and Mayor Goldman.

ABSENT: Fouty-Young, Henry, Morton, Reishman,

At 7:24 p.m., on motion of Councilman Loeb, Council adjourned until 7:00 p.m., Monday, January 7, 2002.

Jay Goldman, Honorable Mayor

James M. Reishman, City Clerk