

PUBLIC SPEAKERS

None.

CLAIMS

1. A Claim of Debbie Otey; 518 41st Street S.E., Charleston, WV; alleges personal injury; Referred to City Solicitor.
2. A Claim of Berthold Asbury; 3 Wade Street, Charleston, WV; alleges damage to vehicle; Referred to City Solicitor.
3. A Claim of Carol Thomas; 309 Park Avenue, Charleston, WV; alleges damage to property; Referred to City Solicitor.
4. A Claim of Clarence Elwood Penn IV; 128 Ruthlawn Drive, Charleston, WV; alleges damage to property; Referred to City Solicitor.
5. A Claim of Gail W. Booker; 107 Judith Drive; alleges damages to vehicle; Referred to City Solicitor.

COMMUNICATIONS

PROCLAMATION

APPOINTMENTS

To: James Reishman, City Clerk
FROM: Jay Goldman, Mayor
RE: Charleston Regatta Commission, Inc.
DATE: January 23, 2001

I am informing City Council that I have appointed Larry Roller as Ex Officio Board member to the Charleston Regatta Commission, Inc. Mr. Roller is the newly appointed Chairman of the Finance Committee, he is replacing Dave Hardy on the Board.

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

Received and Filed.

TO: James Reishman, City Clerk
FROM: Jay Goldman, Mayor
RE: Regional Development Authority
DATE: January 30, 2001

I am recommending that Mary Jean Davis, 1527 Dogwood Road, Charleston, WV 25314 be appointed to the Regional Development Authority, with said term to expire June 30, 2001. Mrs. Davis is replacing Dan Halloran who resigned.

I respectfully request City Council's approval of this recommendation.

The question being on the confirmation of the appointment a vote was taken. There being no dissent the Mayor declared the appointment confirmed unanimously.

TO: James Reishman, City Clerk
FROM: Jay Goldman, Mayor
RE: Civic Center Board
DATE: February 2, 2001

I am recommending that Dr. Ron Wilkinson, 50 Abney Circle, Charleston, WV 25314 be appointed to the Civic Center Board, with said term to expire June 22, 2002. Dr. Wilkinson is replacing Karen White Haddad who has resigned.

I respectfully request City Council's approval of this recommendation.

The question being on the confirmation of the appointment a vote was taken. There being no dissent the Mayor declared the appointment confirmed.

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 Bill No. 6762, attached hereto and made a part hereof. Your Committee finds that revitalization of a vacant commercial use is good for the City and C-6 is a good transition zone between the C-10 General Commercial District and the residential area. Your Committee finds that the Bill should be amended on Line 17 by adding a new Section 2. "The property is restricted to a wall or monument sign."; and by changing "2" to "3" and "3" to "4", and reports the same to Council with the recommendation that the Bill as amended, do pass.

Councilmember Davis made a motion to amend the Bill on Line 17 by adding a new Section 2. "The property is restricted to a wall or monument sign."; and by changing "2" to "3" and "3" to "4".

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

Bill No. 6762, as amended, a Bill amending the Zoning Ordinance of the City of Charleston, West Virginia, enacted the 7th day of March 1983, as amended, and the map made a part thereof, be rezoned from C-4 to C-6, that certain parcel of land situate at 1666 W. Washington Street, Charleston, West Virginia.

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

1. The Zoning Ordinance of the City of Charleston, West Virginia, enacted the 7th day of March 1983, as amended, is hereby amended by rezoning from C-4 to C-6 district the whole of the following described parcel of land:

Parcel 97 as shown on West Charleston Tax Map No. 3 Subject parcel commonly known as 1666 West Washington Street, Charleston, West Virginia. Said tax map is of record in the Planing Office.

2. The property is restricted to wall or monument sign.
3. The Zoning Map, attached to and made a part of said Zoning Ordinance, is hereby amended in accordance with Section 1 of this ordinance.
4. All prior ordinances, or parts of ordinances, inconsistent with this ordinance are hereby appealed to the extent of such inconsistency.

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, Hardy, Harris, Henry, Jones, Kimberling, Knauff, Lanham, Loeb, Lopez, McKnight, Molgaard, Morton, Nielsen, Pettry, Prunty, Quick, Reishman, Roller, Talkington, and Mayor Goldman.

NAYS: None.

ABSENT: Lane and Markham.

So, a majority of all members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 6762, as amended, passed unanimously.

2. Your Committee on Planning has had under consideration Special Permit No. 911, attached hereto and made a part hereof. Your Committee finds that adequate parking has been provided. Your Committee further finds that the special permit should be restricted as follows:

1. No medical or dental offices are permitted.
2. No change in use or increase in employees or significant traffic generation will require a new special permit application.
3. The maximum on site employees shall not increase beyond 13.

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

The question being on the approval of the Special Permit a vote was taken. There being no dissent the Mayor declared Special Permit No. 911, with restrictions, approved unanimously.

3. Your Committee on Planning has had under consideration Special Permit No. 975, attached hereto and made a part hereof. Your Committee finds that the hours of operation should be limited to 8:00 a.m. to dusk. Your Committee further finds that the case should be reviewed by the Planning Committee in 18 months, and reports the same to Council with the recommendation that the Special Permit be approved, subject to the hours being limited to 8:00 a.m. to dusk, and that the Special Permit be reviewed in 18 months.

The question being on the approval of the Special Permit a roll call was taken and there were; yeas-18, nays-4, absent-2, abstentions-3, as follows:

YEAS: Charnock, Crickenberger, Davis, Fouty-Young, Haas, Harris, Henry, Knauff, Lanham, Lopez, Molgaard, Morton, Nielsen, Pettry, Quick, Reishman, Roller, and

Mayor Goldman.

NAYS: Jones, Kimberling, McKnight, and Talkington.

ABSENT: Lane and Markham.

ABSTAIN: Hardy, Loeb, and Prunty.

So, a majority of all members elected recorded thereon as voting in the affirmative the Mayor declared Special Permit No. 975, with restrictions, approved.

4. Your Committee on Planning has had under consideration Special Permit No. 976, attached hereto and made a part hereof. Your Committee finds that the existing use is non-conforming as far as parking and traffic access. Your Committee further finds that the proposed use is inconsistent with surrounding development and is grand fathered in at the present time, and reports the same to Council with the recommendation that the Special Permit be denied.

The question being on the approval of the Special Permit a vote was taken. With a majority of members voting in the negative, the Mayor declared Special Permit No. 976, denied 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. 681-01, authorizing the Finance Director to make revisions to the 2000-2001 General Fund budget as indicated on the attached list of accounts, and reports the same to Council with the recommendation that the Resolution be adopted.

Resolution No. 681-01—"Authorizing the Finance Director to male revisions to the 2000-2001 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 2000-2001 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.

Budget Amendment Following

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-23, nays-0, absent-4, as follows:

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

NAYS: None.

ABSENT: Davis, Lane, Loeb, and Markham.

So, a majority of all members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 681-01 adopted unanimously.

2. Your Committee on Finance has had under consideration Resolution No. 682-01, authorizing the Mayor to sign a renewal of the Letter of Credit with Bank One for Parking System Revenue Bonds, Series 1994-A, 1994-B, and 1995-A; and further authorizing payment in the total amount of \$106,723.66 for the Letter of Credit; To be charged to Account No. 85-571-0-0-5-072, Parking System-Interest on Bonds, and report the same to Council with the recommendation that the Resolution be adopted.

Resolution No. 682-01—“Authorizing the Mayor to sign a renewal of the Letter of Credit with Bank One for Parking System Revenue Bonds, Series 1994-A, 1994-B, and 1995-A; and further authorizing payment in the total amount of \$106,723.66 for the Letter of Credit.”

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

That the Mayor is hereby authorized and directed to sign a renewal of the Letter of Credit with Bank One for Parking System Revenue Bonds, Series 1994-A, 1994-B, and 1995-A; and authorizing payment in the total amount of One Hundred Six Thousand Seven Hundred Twenty-three Dollars and Sixty-six Cents (\$106,723.66) for the Letter of Credit.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 682-01 adopted unanimously.

3. Your Committee on Finance has had under consideration Resolution No. 683-01, authorizing the Finance Director to amend the 2000 Community Development Block Grant budget as indicated on the attached list of accounts. This is contingent upon no adverse citizen comments being received during the 30-day comment period required through the MOECD Citizen Participation Plan, and reports the same

to Council with the recommendation that the Resolution be adopted.

Resolution No. 683-01–“Authorizing the Finance Director to amend the 2000 Community Development Block Grant 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 amend the 2000 Community Development Block Grant budget as indicated on the attached list of accounts. This is contingent upon no adverse citizen comments being received during the 30-day comment period required through the MOECD Citizen Participation Plan.

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, Hardy, Harris, Henry, Jones, Kimberling, Knauff, Lanham, Loeb, Lopez, McKnight, Molgaard, Morton, Nielsen, Pettry, Prunty, Quick, Reishman, Roller, Talkington, and Mayor Goldman.

NAYS: None.

ABSENT: Lane and Markham.

So, a majority of all members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 683-01 adopted unanimously.

4. Your Committee on Finance has had under consideration Resolution No. 684-01, authorizing the Mayor to enter into a contract with Pappy’s Heating & Cooling, in the amount of \$6,300, for upgrade of the heating system at North Charleston Community Center; To be charged to Account No. 25-099-00-059, CDBG–P&R Facility (NCCC), and reports the same to Council with the recommendation that the Resolution be adopted.

Resolution No. 684-01–“Authorizing the Mayor to enter into a contract with Pappy’s Heating & Cooling, in the amount of \$6,300, for upgrade of the heating system at North Charleston 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 a contract with Pappy's Heating & Cooling, in the amount of Six Thousand Three Hundred Dollars (\$6,300), for upgrade of the heating system at North Charleston Community Center.

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, Hardy, Harris, Henry, Jones, Kimberling, Knauff, Lanham, Loeb, Lopez, McKnight, Molgaard, Morton, Nielsen, Pettry, Prunty, Quick, Reishman, Roller, Talkington, and Mayor Goldman.

NAYS: None.

ABSENT: Lane and Markham.

So, a majority of all members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 684-01 adopted unanimously.

5. Your Committee on Finance has had under consideration Resolution No. 685-01, authorizing the Mayor to enter into a contract with Cincinnati Floor Company, in the amount of \$88,275, to furnish all materials, tools and equipment necessary for installation of a gymnasium floor at the Martin Luther King Community Center and make accessibility adjustments at the hallway entrance and door to the gymnasium area; To be charged to Account No. 25-000-00-059, CDBG-P&R Facility (MLKCC), and reports the same to Council with the recommendation that the Resolution be adopted.

Resolution No. 685-01—"Authorizing the Mayor to enter into a contract with Cincinnati Floor Company, in the amount of \$88,275, to furnish all materials, tools and equipment necessary for installation of a gymnasium floor at the Martin Luther King Community Center and make accessibility adjustments at the hallway entrance and door to the gymnasium area."

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 Cincinnati Floor Company, in the amount of Eighty-eight Thousand Two Hundred Seventy-five Dollars (\$88,275), to furnish all materials, tools and equipment necessary for installation of a gymnasium floor at the Martin Luther King Community Center and make accessibility adjustments at the hallway entrance and door to the gymnasium area.

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, Hardy, Harris, Henry, Jones, Kimberling, Knauff, Lanham, Loeb, Lopez, McKnight, Molgaard, Morton, Nielsen, Pettry, Prunty, Quick, Reishman, Roller, Talkington, and Mayor Goldman.

NAYS: None.

ABSENT: Lane and Markham.

So, a majority of all members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 685-01 adopted unanimously.

6. Your Committee on Finance has had under consideration Resolution No. 686-01, authorizing the Finance Director to allocate funds in the amount of \$15,400 for a HOME project located on the West Side of Charleston; To be charged to Account No. 30-098-00-005, HOME Program–Acquisition of Property, and reports the same to Council with the recommendation that the Resolution be adopted.

Resolution No. 686-01–“Authorizing the Finance Director to allocate funds in the amount of \$15,400 for a HOME project located on the West Side of 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 \$15,400 for a HOME project located on the West Side of Charleston.

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, Hardy, Harris, Henry, Jones, Kimberling, Knauff, Lanham, Loeb, Lopez, McKnight, Molgaard, Morton, Nielsen, Pettry, Prunty, Quick, Reishman, Roller, Talkington, and Mayor Goldman.

NAYS: None.

ABSENT: Lane and Markham.

So, a majority of all members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 686-01 adopted unanimously.

7. Your Committee on Finance has had under consideration Resolution No. 687-01, authorizing the Mayor to enter into a contract with Pappy’s Heating & Cooling, Inc., in the amount of \$10,600, for furnishing all materials, labor, and equipment necessary for installation of a HVAC System in the building for relocation of the MDENT Unit; To be charged to Account No. 29-173-0-0-4-59, Police MDENT–Capital Outlay, Equipment, and reports the same to Council with the recommendation that the Resolution be adopted.

Resolution No. 687-01–“Authorizing the Mayor to enter into a contract with Pappy’s Heating & Cooling, Inc., in the amount of \$10,600, for furnishing all materials, labor, and equipment necessary for installation of a HVAC System in the building for relocation of the MDENT Unit.”

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 Pappy’s Heating & Cooling, Inc., in the amount of Ten Thousand Six Hundred Dollars (\$10,600), for furnishing all materials, labor and equipment necessary for installation of a HVAC System in the building for relocation of the MDENT Unit.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 687-01 adopted unanimously.

8. Your Committee on Finance has had under consideration Resolution No. 688-01, authorizing the Mayor to enter into a contract with Capitol Business Interiors, in the amount of \$4,757.91, for furnishing of all materials, tools and equipment necessary for removal of old carpet and installation of new carpet in the Human Resources Offices; To be charged to Account No. 58-440-0-0-4-060, Building Maintenance–Capital Outlay, Major Improvements, and reports the same to Council with the recommendation that the Resolution be adopted.

Resolution No. 688-01–“Authorizing the Mayor to enter into a contract with Capitol Business Interiors, in the amount of \$4,757.91, for furnishing of all materials, tools and equipment necessary for removal of old carpet and installation of new carpet in the Human Resources Offices.”

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 Capitol Business Interiors, in the amount of Four Thousand Seven Hundred Fifty-seven Dollars and Ninety-one Cents (\$4,757.91), for furnishing of all materials, tools and equipment necessary for removal of old carpet and installation of new carpet in the Human Resources Offices.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 688-01 adopted unanimously.

9. Your Committee on Finance has had under consideration Resolution No. 689-01, authorizing the Mayor to enter into a contract with the Wheelers Baseball Limited Partnership dba Charleston Alley Cats Professional Baseball Club, a West Virginia Partnership, for the period commencing on the date of City Council approval and the signature of the Club’s Managing Partner, and terminating on December 31, 2002, with automatic renewal for one additional year until December 31, 2003, under the same terms and conditions, unless a one (1) full year notice is received by either party to terminate the contract, and reports the same to Council with the recommendation that the Resolution be adopted.

Councilman David Molgaard made a motion to amend the Resolution by changing paragraph 23 (c) of the contract by deleting on the first line the words “Fifty Dollars (\$50.00)” and inserting in lieu of the words “One Hundred Dollars (\$100.00)”; and on line 3 by deleting the words “Seven Hundred Dollars (\$7.00.00)” and inserting in lieu of the words “One Thousand Four Hundred Dollars (\$1,400.00)”.

The question being on the adoption of the amendment a roll call was taken and there were; yeas-13, nays-13, absent-1, as follows:

YEAS: Charnock, Crickenberger, Davis, Fouty-Young, Haas, Harris, Henry, Jones, Markham, Molgaard, Nielsen, Prunty, and Talkington.

NAYS: Hardy, Kimberling, Knauff, Lanham, Loeb, Lopez, McKnight, Morton, Pettry,

Quick, Reishman, Roller, and Mayor Goldman.

ABSENT: Lane.

So, with members elected recorded thereon as voting in a tie the Mayor declared the amendment failed.

Resolution No. 689-01—"Authorizing the Mayor to enter into a contract with the Wheelers Baseball Limited Partnership dba Charleston Alley Cats Professional Baseball Club, a West Virginia Partnership, for the period commencing on the date of City Council approval and the signature of the Club's Managing Partner and terminating on December 31, 2002, with automatic renewal for one additional year until December 31, 2003, under the same terms and conditions, unless a one (1) full year notice is received by either party to terminate the contract."

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 the Wheelers Baseball Limited Partnership dba Charleston Alley Cats Professional Baseball Club, a West Virginia Partnership, for the period commencing on the date of City Council approval and the signature of the Club's Managing Partner and terminating on December 31, 2002, with automatic renewal for one additional year until December 31, 2003, under the same terms and conditions, unless a one (1) full year notice is received by either party to terminate the contract.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 689-01 adopted unanimously.

10. Your Committee on Finance has had under consideration Resolution No. 690-01, authorizing the Mayor to enter into an Agreement between the Kanawha County Emergency Ambulance Authority and the City of Charleston, which Agreement allocates the sharing of the authorized special levies for the fiscal years beginning July 1, 2001, 2002, and 2003, in exchange for the providing of ambulance services within the City limits by the City of Charleston. This Agreement commences on the date the Agreement is executed by both parties and ends at midnight on June 30, 2004, and reports the same to Council with the recommendation that the Resolution be adopted.

Resolution No. 690-01—"Authorizing the Mayor to enter into an Agreement between the Kanawha County Emergency Ambulance Authority and the City of Charleston, which Agreement allocates the sharing of the authorized special levies for the fiscal years beginning July 1, 2001, 2002, and 2003, in exchange for the providing of ambulance services within the City limits by the City of Charleston. This Agreement commences on the date the Agreement is executed by both parties and ends at midnight on June 30, 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 an Agreement between the Kanawha County Emergency Ambulance Authority and the City of Charleston, which Agreement allocates the sharing of the authorized special levies for the fiscal years beginning July 1, 2001, 2002, and 2003, in

exchange for the providing of ambulance services within the City limits by the City of Charleston. This Agreement commences on the date the Agreement is executed by both parties and ends at midnight on June 30, 2004.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 690-01 adopted unanimously.

11. Your Committee on Finance has had under consideration Resolution No. 691-01, authorizing the Mayor to sign Change Order No. 4 with Hayslett Construction Co., for a deduction in the amount of \$5,000 to the contract for the Civic Center Renovations Project-Phase II-A, for a new contract price of \$4,577,380. The change order provides for alternate chillers to be installed when it was determined that the production time on the specified chillers did not appropriately coincide with the needed installation date; Funds for the change order are available from proceeds received through the sale of bonds, and reports the same to Council with the recommendation that the Resolution be adopted.

Resolution No. 691-01—“Authorizing the Mayor to sign Change Order No. 4 with Hayslett Construction Co., for a deduction in the amount of \$5,000 to the contract for the Civic Center Renovations Project-Phase II-A, for a new contract price of \$4,577,380. The change order provides for alternate chillers to be installed when it was determined that the production time on the specified chillers did not appropriately coincide with the needed installation date.”

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. 4 with Hayslett Construction Co., for a deduction in the amount of Five Thousand Dollars (\$5,000) to the contract for the Civic Center Renovations Project-Phase II-A for a new contract price of \$4,577,380. The change order provides for alternate chillers to be installed when it was determined that the production time on the specified chillers did not appropriately coincide with the needed installation date.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 691-01 adopted unanimously.

12. Your Committee on Finance has had under consideration Resolution No. 692-01, authorizing the Mayor to sign Change Order No. 1 with Brown Electric Company in an amount not to exceed \$26,937 for additional equipment and changes (see attached list) in the installation of the fire alarm system for the Civic Center Renovations Project-Phase II-B, for a new contract price of \$298,391; Funds for the change order are available from proceeds received through the sale of bonds, and reports the same to Council with the recommendation that the Resolution be adopted.

Resolution No. 692-01—“Authorizing the Mayor to sign Change Order No. 1 with Brown Electric Company in an amount not to exceed \$26,937 for additional equipment and changes (see attached list) in the installation of the fire alarm system for the Civic Center Renovations Project-Phase II-B, for a new contract price of \$298,391.”

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 Brown Electric Company in an amount not to exceed Twenty-six Thousand Nine Hundred Thirty-seven Dollars (\$26,937) for additional equipment and changes (see attached list) in the installation of the fire alarm system for the Civic Center Renovations Project–Phase II-B, for a new contract price of \$298,391.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 692-01 adopted unanimously.

13. Your Committee on Finance has had under consideration Resolution No. 693-01, authorizing the Finance Director to make revisions to the 2000-2001 Civic Center budget as indicated on the attached list of accounts, and reports the same to Council with the recommendation that the Resolution be adopted.

Resolution No. 693-01–“Authorizing the Finance Director to make revisions to the 2000-2001 Civic Center 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 2000-2001 Civic Center 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.

Civic Center 2000-2001 Budget Amendment No. 3 -February 5, 2001

<u>Account No.</u>	<u>Department</u>	<u>Description</u>	<u>Amount</u>
81-910-01-000-4-061	Civic Center	C/O-Lease Purchase	3,500
81-358-00-0341	Revenue	Transfers from General Fund	(3,350)

Provides funds for purchase of one (1) 1-Ton 4x4 Stake Bed Truck for \$28,677.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-26, nays-0, absent-1, as follows:

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

NAYS: None.

ABSENT: Lane.

So, a majority of all members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 693-01 adopted unanimously.

14. Your Committee on Finance has had under consideration bid submitted by Stephens Auto Center, in the amount of \$25,853, for a Dodge 3500, one-ton, 4x4 stake bed truck, with a snow plow attached in the amount of \$2,824, or a total amount of \$28,677, to be used at the Charleston Civic Center; To be charged to Account No. 81-910-01-0-4-061, Civic Center–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.

15. Your Committee on Finance has had under consideration proposal submitted by West Virginia University, in the amount of \$45,000, for a used gymnasium floor for the Charleston Civic Center Coliseum; Funds for the floor are available through funds received from the sale of bonds, Civic Center Renovations, Phase I, 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 Stephens Auto Sales, in the amount of \$9,176 (total cost of \$16,676, less \$7,500 for trade-in of seven units), for purchase of a new vehicle to replace the unit currently used by the Dunbar officer assigned to the MDENT Unit. The new vehicle will be titled to the City of Dunbar; To be charged to Account No. 29-

173-0-0-4-59, Police MDENT–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.

17. Your Committee on Finance has had under consideration proposal submitted by RGA, Inc., in the total amount of \$51,400, for base mount cabinets to be installed at four intersections on MacCorkle Avenue (\$10,400 each); and a pole mount cabinet at the intersection of 4th Avenue and Florida Street (\$9,800); To be charged to Account No. 01-712-0-0-4-059, Traffic Engineering–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.

18. Your Committee on Finance has had under consideration proposal submitted by Syscan Furniture Solution, in the amount of \$8,729, for new office furnishings to be installed in the Accounting Offices on the second floor at City Hall; To be charged to Account No. 58-440-0-0-4-060, Building Maintenance–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 unanimously.

19. Your Committee on Finance has had under consideration proposal submitted by Stryker EMS, in the amount of \$3,152.56, for one (1) RUGGED MX-Pro Ambulance Cot to replace a six year old cot used by the Charleston Fire Department; To be charged to Account No. 01-706-0-0-3-041, Fire Department–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.

20. Your Committee on Finance has had under consideration Bill No. 6769, authorizing the Mayor to execute and deliver a proper Deed to Kanawha Valley Senior Services, Inc. (KVSS), conveying the City's right, title and interest of that certain portion of Homer Street, that the City had by way of a reversion interest, lying between Florida Street and "B" Street (site of Tiskelwah Elementary School), previously conveyed to the Board of Education by Deed dated November 17, 1919, to be used for public school purposes, and reports the same to Council with the recommendation that the Bill do pass.

Bill No. 6769–“Authorizing the Mayor to execute and deliver a proper Deed to Kanawha Valley Senior Services, Inc., conveying the City's right, title and interest, that the City had by way of a

reversion interest in that certain portion of “Homer Street” that was previously conveyed to the Board of Education by Deed dated November 17, 1919.”

WHEREAS, by Resolution dated November 17, 1919, the City of Charleston declared that a portion of Homer Street lying between Florida Street and “B” Street was not needed for public use as a street and agreed and consented that the right, title and interest that the City of Charleston may have had in said street should be granted and conveyed to the Board of Education to be used for public school purposes. The Resolution further provided that if said property should cease to be used for public school purposes, the title to said street would revert to the City of Charleston;

WHEREAS, the portion of Homer Street that was conveyed to the Board of Education is located on the site of the current Tiskelwah Elementary School;

WHEREAS, The Board of Education is conveying the Tiskelwah Elementary School property to Kanawha Valley Senior Services, Inc., who will later convey the property to Tiskelwah Center, Inc.;

WHEREAS, because of the reversion right contained in the November 17, 1919, Deed to the Board of Education, that portion of “Homer Street” previously conveyed to the Board of Education has reverted to the City;

WHEREAS, the City desires to assist in the efforts of Kanawha Valley Senior Services, Inc., and ultimately Tiskelwah Center, Inc., in its mission for the community and charitable and other uses that will benefit the citizens of the City of Charleston.

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

That the Mayor is hereby directed and authorized to execute and deliver a proper deed to Kanawha Valley Senior Services, Inc., for that portion of “Homer Street” in the City of Charleston lying between Florida Street and “B” Street, being the same property previously conveyed to the Board of Education by Deed dated November 17, 1919.

The question being on the passage of the Bill a roll call was taken and there were; yeas-26, nays-0, absent-1, as follows:

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

NAYS: None.

ABSENT: Lane.

So, a majority of all members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 6769 passed unanimously.

21. Your Committee on Finance has had under consideration Bill No. 6770, supplementing Ordinance

No. 4828, passed by the Council of The City of Charleston, West Virginia, on April 20, 1992, as supplemented by Ordinance No. 4954, passed by the Council on May 3, 1993, by Ordinance No. 6276, passed by the Council on September 3, 1996, by Ordinance No. 6349, passed by the Council on June 2, 1997, by Ordinance No. 6532, passed by the Council on November 16, 1998, by Ordinance No. 6544, passed by Council on February 1, 1999, authorizing the acquisition and construction of certain extensions, additions, betterments and improvements to the sewerage system of The City of Charleston; authorizing the issuance of not more than \$1,300,000 in aggregate principal amount of Sewerage System Revenue Bonds, Series 2001 A, in one or more additional series as may be required, of The City of Charleston to 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 acquisition and construction, to fund reserve accounts for such bonds and to pay other costs in connection therewith; and adopting other provisions related thereto, and reports the same to Council with the recommendation that the Bill do pass.

Bill No. 6770

The question being on the passage of the Bill a roll call was taken and there were; yeas-26, nays-0, absent-1, as follows:

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

NAYS: None.

ABSENT: Lane.

So, a majority of all members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 6770 passed unanimously.

22. Your Committee on Finance has had under consideration payment of an invoice from Wausau Tile, Inc., Metal Form Division, in the amount of \$2,988.80, for eleven (11) waste containers with concrete base (\$191 each and \$59 each, respectively) to be installed in the Slack Plaza Streetscape area; To be charged to Account No. 25-000-00-032, CDBG–Slack Plaza Streetscape, 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 roll call was taken and there were; yeas-26, nays-0, absent-1, as follows:

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

NAYS: None.

ABSENT: Lane.

So, a majority of all members elected recorded thereon as voting in the affirmative the Mayor declared the committee report adopted unanimously.

23. Your Committee on Finance has had under consideration payment of an invoice from Teays Valley Heating and Cooling, Inc., in the amount of \$3,668, for installation of a heat pump and air handler at Fire Station No. 1, located at Morris and Lee streets; To be charged to Account No. 01-706-0-0-4-059, Fire Department–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.

NEW BILLS INTRODUCED

UNFINISHED BUSINESS

Councilman David Molgaard made a motion to reconsider Special Permit No. 975.

The question being on the approval of the motion a roll call was taken and there were; yeas-20, nays-3, absent-1, abstentions-3, as follows:

YEAS: Charnock, Davis, Fouty-Young, Haas, Harris, Henry, Jones, Kimberling, Knauff, Lanham, Lopez, Markham, McKnight, Molgaard, Morton, Nielsen, Pettry, Quick, Talkington, and Mayor Goldman.

NAYS: Crickenberger, Reishman, and Roller.

ABSENT: Lane.

ABSTAIN: Hardy, Loeb, and Prunty.

So, a majority of all members elected recorded thereon as voting in the affirmative the Mayor declared the motion approved.

Your Committee on Planning has had under consideration Special Permit No. 975, 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 roll call was taken and there were; yeas-13, nays-10, absent-1, abstentions-3, as follows:

YEAS: Charnock, Crickenberger, Davis, Haas, Knauff, Lanham, Molgaard, Morton, Nielsen, Pettry, Reishman, Roller, and Mayor Goldman.

NAYS: Fouty-Young, Harris, Henry, Jones, Kimberling, Lopez, Markham, McKnight, Quick, and Talkington.

ABSENT: Lane.

ABSTAIN: Hardy, Loeb, and Prunty.

So, a majority of all members elected recorded thereon as voting in the affirmative the Mayor declared Special Permit No. 975 approved.

ROLL CALL

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

YEAS: Charnock, Crickenberger, Davis, Fouty-Young, Haas, Hardy, Harris, Henry, Jones, Kimberling, Knauff, Lanham, Loeb, Lopez, Markham, McKnight, Molgaard,

Morton, Nielsen, Pettry, Prunty, Quick, Reishman, Roller, Talkington, and Mayor
Goldman.
ABSENT: Lane.

At 8:25 p.m., on motion of Councilman Loeb, Council adjourned until Tuesday, February 20, 2001.

Jay Goldman, Honorable Mayor

James M. Reishman, City Clerk

