

WARD 20 VACANCY

Mayor Goldman stated the following:

“Resignation letter with effective date being 8:00 a.m., Tuesday, February 20, 2001, having been received from Ward 20 Council representative, Dave Hardy, I declare a vacancy in Council, NOW THEREFORE, Pursuant to the provisions of Section 14 of the Charter of the City of Charleston, I now declare the floor open for nominations to fill the vacancy of the unexpired term for Ward 20 Councilmember”.

Councilman Loeb nominated David Lanham. Councilman Quick seconded the motion. Councilman Quick made the motion to close the nominations. Motion was seconded by Councilman Loeb.

The question being on the approval to close the nominations a vote was taken. There being no dissent the Mayor declared David Lanham elected to the unexpired term of Ward 20 Councilman by acclamation.

David Lanham being present in Council Chambers was administered the oath of office by James Reishman, City Clerk.

Councilman Lanham was escorted to his seat by Councilman Quick.

PUBLIC HEARING

Mayor Goldman stated the following:

“Pursuant to the provisions of the West Virginia Code, Chapter 16-13-6, and after duly being advertised as required on February 7th and 14th, 2001, I now declare the floor open for a Public Hearing on Bill No. 6770.”

“The Chair sees no one from the public.” “The Chair hears no one from the public.” “The Chair declares the Public Hearing closed.”

PUBLIC SPEAKERS

1. Joseph Ray Burford, submitted to the City Clerk, a Petition to the City of Charleston to allow the Chandler Recreation Center to remain open. Received and Filed.
2. Carrie Webster
3. Warren G. McGinnis
4. Sharon Spencer

CLAIMS

1. A Claim of William F. Kidd; 305 Monongalia Street, Charleston, WV; alleges damages to property; Referred to City Solicitor.

COMMUNICATIONS

MUNICIPAL PLANNING COMMISSION

February 14, 2001

Honorable J. Crawford Goldman
and Members of City Council
Charleston, WV 25301

Dear Mayor Goldman and Councilmembers:

On February 7, 2001, the Municipal Planning Commission held public hearings and its regular monthly meeting. The following cases were heard by the Commission. For your consideration their recommendation is set forth.

Special Permit No. 981 - Application of Jay Holcomb on behalf of Kerplunkx, Inc., requesting a special permit to establish a restaurant/bar/nightclub in an Urban Renewal District, accessory to the building located at 812 Kanawha Boulevard, East, at the former Spanky's Bar site. The Commission recommended approval of the special permit.

Special Permit No. 984 - Application of Scott Bosley on behalf on Bus Station Grille, requesting a special permit to serve alcoholic beverages in an Urban Renewal District accessory to the restaurant located at 201 Capitol Street. The Commission recommended approval of the special permit.

Jamestown Road & Roanoke Trace Street Dedications - Request of George J. Neilan for acceptance and dedication of Jamestown Road (2,850') and Roanoke Trace (300'), said streets being generally situate off Connell Road 0.7 mile from Loudon Heights Road in South Annex District. The Commission recommended approval of the acceptance and dedication.

The above cases should be referred to the Planning Committee.

Sincerely,
Municipal Planning Commission
/s/ Phyllis White
Phyllis White, Administrative Assistant

Mayor Goldman referred the cases to the Council Committee on Planning

MUNICIPAL PLANNING COMMISSION

February 15, 2001

Honorable J. Crawford Goldman
and Members of Council
Charleston, WV 25301

Dear Mayor Goldman and Councilmembers:

On February 7, 2001, the Municipal Planning Commission held public hearings and its regular monthly meeting. The following case was heard by the Commission.

Centre Court Road Street Naming Request - Request of Larry Dennison, Developer of Centre Court Subdivision for the street name Centre Court Road.

The above case should be referred to the Planning Committee.

Sincerely,
Municipal Planning Commission
/s/ Phyllis White
Phyllis White, Administrative Assistant

Mayor Goldman referred the case to the Council Committee on Planning.

MISCELLANEOUS RESOLUTIONS

None.

REPORTS OF STANDING COMMITTEES

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. 6764, and reports the same to Council with the recommendation that the Bill pass.

Bill No. 6764 - A Bill to establish a No Parking Anytime Tow-Away zone on the northerly side of Virginia Street West from a point 205 feet west of Couch Street to a point 238 feet west of Couch 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.

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

Section 1. A No Parking Anytime Tow-Away zone on the northerly side of Virginia Street West from a point 205 feet west of Couch Street to a point 238 feet west of Couch Street is hereby established.

Section 2. 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.

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

NAYS: None

ABSENT: Haas.

So, a majority of all members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 6764 passed unanimously.

2. Your Committee on Streets and Traffic has had under consideration Bill No. 6768, and reports the same to Council with the recommendation that the Bill, as amended, do pass.

Councilwoman Fouty-Young made a motion to amend the Bill on lines 1 and 15 by deleting the comma after the word "Road" and inserting in lieu of the word "and"; and on line 2 and 16 by deleting after the word "Place" the words "and Chelsea Drive" and on lines 2 and 16 by deleting after the word "on" the words "Chelsea Drive" and inserting in lieu of the words "Suncrest Road"

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. 6768, as amended - A Bill to establish a Stop intersection at the intersection of Suncrest Road and Suncrest Place requiring vehicles southbound on Suncrest Road to stop and requiring vehicles northbound on Suncrest Road to stop except when turning right and amending the Traffic Control Map and Traffic Control File, established by the Code of the City of Charleston, West Virginia, 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 Stop intersection at the intersection of Suncrest Road and Suncrest Place requiring vehicles southbound on Suncrest Road to stop and requiring vehicles northbound on Suncrest Road to stop except when turning right is hereby established.

Section 2. 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.

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

NAYS: None.

ABSENT: Haas.

So, a majority of all members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 6768, as amended, 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. 695-01, authorizing the Finance Director to reimburse Intelos in the amount of \$2,614.93, representing a refund from over-reporting of gross sales and in turn overpayment of B&O taxes; To be charged to Account No. 01-305-00-0011, B&O Taxes–Current Year, and reports the same to Council with the recommendation that the Resolution be adopted.

Resolution No. 695-01–“Authorizing the Finance Director to reimburse Intelos in the amount of \$2,614.93, representing a refund from over-reporting of gross sales and in turn overpayment of B&O taxes.”

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

That the Finance Director is hereby authorized and directed to reimburse Intelos in the amount of \$2,614.93, representing a refund from over-reporting of gross sales and in turn overpayment of B&O taxes.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 695-01 adopted unanimously.

2. Your Committee on Finance has had under consideration Resolution No. 696-01, authorizing the Mayor to enter into a one year, unit price agreement with Moore's Lumber and Building Supplies to provide the materials required to upgrade approximately 25 structures located throughout the City in support of the Owner-Occupied Rehabilitation Program, which sponsors the "Christmas in April" and "World Changers" projects, at a composite supply cost of \$208.49 (unit price list attached; To be charged to Account No. 25-099-00-014, CDBG-CORP Rehabilitation, and reports the same to Council with the recommendation that the Resolution be adopted..

Resolution No. 696-01—"Authorizing the Mayor to enter into a one year, unit price agreement with Moore's Lumber and Building Supplies to provide the materials required to upgrade approximately 25 structures located throughout the City in support of the Owner-Occupied Rehabilitation Program, which sponsors the "Christmas in April" and "World Changers" projects, at a composite supply cost of \$208.49 (unit price list attached)."

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 year, unit price agreement with Moore's Lumber and Building Supplies to provide the materials required to upgrade approximately 25 structures located throughout the City in support of the Owner-Occupied Rehabilitation Program, which sponsors the "Christmas in April" and "World Changers" projects, at a composite supply cost of Two Hundred Eight Dollars and Forty-nine Cents (\$208.49) [unit price list attached].

LIST FOLLOWING

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

NAYS: None.

ABSENT: Haas.

So, a majority of all members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 696-01 adopted unanimously.

3. Your Committee on Finance has had under consideration Resolution No. 697-01, supplementing Ordinance No. 6770, 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. This Supplemental Resolution shall take effect immediately upon adoption hereof, and reports the same to Council with the recommendation that the Resolution be adopted.

Resolution No. 697-01,

The question being on the adoption of the Resolution a vote was taken. There being no dissent, with Councilmembers Loeb and Prunty abstaining, the Mayor declared Resolution No. 697-01 adopted unanimously.

4. Your Committee on Finance has had under consideration Resolution No. 698-01, authorizing the Mayor to enter into a unit price contract with BBR Drilling Co., in the amount of \$74,150, for emergency construction of a retaining wall on East Woodland Drive; To be charged to Account No. 58-420-0-0-4-060, Engineering–Capital Outlay, Major Improvements, and reports the same to Council with the recommendation that the Resolution be adopted.

Resolution No. 698-01–“Authorizing the Mayor to enter into a unit price contract with BBR Drilling Co., in the amount of \$74,150, for emergency construction of a retaining wall on East Woodland Drive.”

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 BBR Drilling Co., in the amount of Seventy-four Thousand One Hundred Fifty Dollars (\$74,150), for emergency construction of a retaining wall on East Woodland Drive.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 698-01 adopted unanimously.

5. Your Committee on Finance has had under consideration proposal submitted by West Virginia Heating and Plumbing, in the amount of \$2,920, for emergency repair of the sanitary piping line from the Civic Center kitchen to the main sewer; To be charged to Account No. 81-910-01-0-2-015, 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.

6. Your Committee on Finance has had under consideration payment of an invoice from Manna Meal, Inc., in the amount of \$3,764.88, for replacement of food costs for meals to serve the homeless; To be charged to Account No. 25-000-00-011, CDBG–Public Services, and reports the same to Council with the recommendation that the committee report be adopted.

The question being on the adoption of the committee report a roll call was taken and there were;

yeas-26, nays-0, absent-1, as follows:

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

NAYS: None.

ABSENT: Haas.

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

7. Your Committee on Finance has had under consideration payment of two invoices from Spilman, Thomas and Battle, PLLC, in the total amount of \$12,434.12, for professional services rendered during the months of November and December 2000, in connection with Civil Action No. 00-MISC-339; To be charged to Account No. 01-417-0-0-2-023, Legal Department–Professional Services; and reports the same to Council with the recommendation that the committee report be adopted.

The question being on the adoption of the committee report a vote was taken. There being no dissent, with the exception of Councilwoman Fouty-Young, and Councilwoman Davis abstaining, the Mayor declared the committee report adopted.

8. Your Committee on Finance has had under consideration payment of an invoice from Bowles, Rice, McDavid, Graff & Love, PLLC, in the amount of \$7,423.51, for professional services rendered during the months of October, November and December 2000, in connection with various General Worker's Compensation claims; To be charged to Account No. 01-417-0-0-2-023, Legal Department–Professional Services, and reports the same to Council with the recommendation that the committee report be adopted.

The question being on the adoption of the committee report a vote was taken. There being no dissent, with Councilmembers Lane, Loeb and Markham abstaining, the Mayor declared the committee report adopted unanimously.

REPORTS OF OFFICERS

1. Municipal Court Financial Statement for the month of January, 2001; Received and Filed.
2. City of Charleston Payroll Variance Analysis January, 2001; Received and Filed.
3. City Treasurer's Report to City Council Month Ending January, 2001; Received and Filed.
4. City of Charleston Financial Statements For The Seven-Month Period Ended January 31, 2001; Received and Filed.
5. City of Charleston Building Department Report for January, 2001; Received and Filed.

UNFINISHED BUSINESS

Councilman Charnock recognized Charleston Police Patrolman David Workman in Council Chambers, and stated he was glad to see his recovery from injuries sustained in a car wreck while in the line of duty. Patrolman Workman received a standing ovation.

ROLL CALL

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

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

At 8:20 p.m., on motion of Councilman Loeb, Council adjourned until Monday, March 5, 2001.

Jay Goldman, Honorable Mayor

James M. Reishman, City Clerk