

## **PUBLIC HEARING**

Mayor Goldman stated the following:

“Pursuant to the provisions of the West Virginia Code, Chapter 8-19, and 16-13-6, and after duly being advertised as required on March 7<sup>th</sup> and 14<sup>th</sup>, I now declare the floor open for a Public Hearing on Bill No. 6766.”

“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. Bobbie Tolliver

## **CLAIMS**

1. A Claim of Mareda N. Gardner; 211 Sunset Drive, Charleston, WV; alleges damages to vehicle; Referred to City Solicitor.
2. A Claim of Michael L. West; 1922 Orchard Avenue, Belle, WV; alleges personal injury; Referred to City Solicitor.
3. A Claim of Barbara P. Thomas; 215 Green Street, Charleston, WV; alleges damage to vehicle; Referred to City Solicitor.
4. A Claim of Dorothy E. Garred; 806 Hamilton Circle, Charleston, WV; alleges damage to property; Referred to City Solicitor.

## **COMMUNICATIONS**

### ***MUNICIPAL PLANNING COMMISSION***

March 9, 2001

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

Dear Mayor Goldman and Councilmembers:

On March 7, 2001, the Municipal Planning Commission held public hearings and its regular monthly meeting. The following cases were heard by the Commission.

Bill No. 6776, a Bill amending the Comprehensive Plan for the City of Charleston, West Virginia pursuant to Chapter 8, Article 42, of the West Virginia Code 1931, as amended, said amended Vandalia/Woodland Terrace Neighborhood Revitalization Plan being for the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the Vandalia/Woodland Terrace Neighborhood.

Request for acceptance and dedication of Brewster Street - Application of Sharen & Robert Deitz for the acceptance and dedication of Brewster Street.

The above cases should be referred to the Planning Committee of Council.

Sincerely,  
MUNICIPAL PLANNING COMMISSION  
/s/ Phyllis White  
Phyllis White, Administrative Assistant

Mayor Goldman referred cases to the Council Committee on Planning.

## **REPORTS OF STANDING COMMITTEES**

### ***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. 711-01, authorizing the Mayor to enter into a unit price contract with Jimmy Dunn Excavating Company, in the approximate amount of \$103,999.99, for the Barton Street Sewer Improvements Project; To be charged to Account No. 25-098-00-027, CDBG–Flood Drain, Barton Street, and reports the same to Council with the recommendation that the Resolution be adopted.

Resolution No. 711-01–“Authorizing the Mayor to enter into a unit price contract with Jimmy Dunn Excavating Company, in the approximate amount of \$103,999.99, for the Barton Street Sewer Improvements Project.”

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 unit price contract with Jimmy Dunn Excavating Company, in the approximate amount of One Hundred Three Thousand Nine Hundred Ninety-nine Dollars and Ninety-nine Cents (\$103,999.99), for the Barton Street Storm Sewer Improvements Project.

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

NAYS: None.

ABSENT: Henry and Kimberling.

With a majority of all members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 711-01 adopted unanimously.

2. Your Committee on Finance has had under consideration Resolution No. 712-01, authorizing the Mayor to enter into a contract with Smith, Cochran & Hicks, PLLC, in the amount of \$4,000, to conduct an Agreed Upon Procedures Engagement of the City's Solid Waste Facility, operated by Landfill Services of Charleston, Inc.;

To be charged as follows:

\$2,000 - 01-442-0-0-2-024, Internal Audit–Audit Costs

\$2,000 - Landfill Services of Charleston, Inc.

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

Resolution No. 712-01–“Authorizing the Mayor to enter into a contract with Smith, Cochran & Hicks, PLLC, in the amount of \$4,000, to conduct an Agreed Upon Procedures Engagement of the City's Solid Waste Facility, operated by Landfill Services of Charleston, Inc.”

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 Smith, Cochran & Hicks, PLLC, in the amount of Four Thousand Dollars (\$4,000), to conduct an Agreed Upon Procedures Engagement of the City's Solid Waste Facility, operated by Landfill Services of Charleston, Inc.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 712-01 adopted unanimously.

3. Your Committee on Finance has had under consideration Resolution No. 713-01, authorizing the Mayor to enter into a contract with Commercial Insurance Services, Inc. and PENCO, in the amount of \$811,326, for renewal of the City's Property and Casualty insurance coverage for the period April 1, 2001 through March 31, 2002; To be charged to various accounts of the City's General Fund budget, and reports the same to Council with the recommendation that the Resolution be adopted.

Resolution No. 713-01–“Authorizing the Mayor to enter into a contract with Commercial Insurance Services, Inc. and PENCO, in the amount of \$811,326, for renewal of the City's Property and Casualty insurance coverage for the period April 1, 2001 through March 31, 2002.”

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 Commercial Insurance Services, Inc. and PENCO, in the amount of Eight Hundred Eleven Thousand Three Hundred Twenty-six Dollars (\$811,326), for the renewal of the City's Property and Casualty insurance coverage for the period April 1, 2001 through March 31, 2002.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 713-01 adopted unanimously.

4. Your Committee on Finance has had under consideration Resolution No. 714-01, authorizing approval of the 2001-2002 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. 714-01—"Authorizing approval of the 2001-2002 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 2001-2002 Civic Center Budget, as indicated on the attached list of accounts, is hereby approved.

FOUR PAGES FOLLOWING

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

NAYS: None.

ABSENT: Henry and Kimberling.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 714-01 adopted unanimously.

5. Your Committee on Finance has had under consideration Resolution No. 715-01, authorizing the Mayor to sign an Amendment to the Lease Agreement with the Federal Deposit Insurance Corporation for 3,476 square feet of space in Municipal Parking Building No. 1, located at Quarrier and McFarland streets, at the current rate of \$2,679.42 per month. The Amendment calls for a six-month extension of the Lease from April 23, 2001 to October 23, 2001. The space will be used for general office purposes and storage, and reports the same to Council with the recommendation that the Resolution be adopted.

Resolution No. 715-01—"Authorizing the Mayor to sign an Amendment to the Lease Agreement with the Federal Deposit Insurance Corporation for 3,476 square feet of space in Municipal Parking Building No. 1, located at Quarrier and McFarland streets, at the current rate of \$2,679.42 per month. The Amendment calls for a six-month extension of the Lease from April 23, 2001 to October 23, 2001. The space will be used for general office purposes and storage."

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

That the Mayor is hereby authorized and directed to sign an Amendment to the Lease Agreement with the Federal Deposit Insurance Corporation for 3,476 square feet of space in Municipal Parking Building No. 1, located at Quarrier and McFarland streets, at the current rate of Two Thousand Six Hundred Seventy-nine Dollars and Forty-two Cents (\$2,679.42) per month. The Amendment calls for a six-month extension of the Lease from April 23, 2001 to October 23, 2001. The space will be used for general office purposes and storage.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 715-01 adopted unanimously.

6. Your Committee on Finance has had under consideration Resolution No. 716-01, authorizing the

Mayor to enter into a Memorandum of Agreement with West Virginia State College Department of Land-Grant Programs, under the auspices of the Division of Planning and Advancement, in an amount not to exceed \$19,101, to provide effective after school programs to serve approximately 300 children in grades K-6 who reside in designated Charleston Public Housing communities. The Agreement is for the period July 1, 2000 to June 30, 2001; To be charged to Account No. 01-907-0-0-5-067, Youth Programs–Contributions/Other Government Units, and reports the same to Council with the recommendation that the Resolution be adopted.

Resolution No. 716-01–“Authorizing the Mayor to enter into a Memorandum of Agreement with West Virginia State College Department of Land-Grant Programs, under the auspices of the Division of Planning and Advancement, in an amount not to exceed \$19,101, to provide effective after school programs to serve approximately 300 children in grades K-6 who reside in designated Charleston Public Housing communities. This Agreement is for the period July 1, 2000 to June 30, 2001.”

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 Memorandum of Agreement with West Virginia State College Department of Land-Grant Programs, under the auspices of the Division of Planning and Advancement, in an amount not to exceed Nineteen Thousand One Hundred One Dollars (\$19,101), to provide effective after school programs to serve approximately 300 children in grades K-6 who reside in designated Charleston Public Housing communities. The Agreement is for the period July 1, 2000 to June 30, 2001. The Charleston Public Housing communities served are as follows: Washington Manor, Littlepage Terrace, South Park Village, Oakhurst Village, Spring Hill Village and Hillcrest Village.

The question being on the adoption of the Resolution a vote was taken. There being no dissent, with Nielsen abstaining, the Mayor declared Resolution No. 716-01 adopted unanimously.

7. Your Committee on Finance has had under consideration Resolution No. 717-01, authorizing the Finance Director to allocate funds in the amount of \$15,000 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. 717-01–“Authorizing the Finance Director to allocate funds in the amount of \$15,000 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 Fifteen Thousand Dollars (\$15,000) 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, Harris, Jones, Knauff, Lane,

David Lanham, James Lanham, Loeb, Lopez, Markham, McKnight, Molgaard, Morton, Nielsen, Pettry, Prunty, Quick, Reishman, Roller, Talkington, and Mayor Goldman.

NAYS: None.

ABSENT: Henry and Kimberling.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 717-01 adopted unanimously.

8. Your Committee on Finance has had under consideration Resolution No. 718-01, authorizing the approval of the 1999-2000 audit report, as presented by Gibbons & Kawash, and reports the same to Council with the recommendation that the Resolution be adopted.

Resolution No. 718-01—“Authorizing the approval of the 1999-2000 audit report, as presented by Gibbons & Kawash.”

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

That the 1999-2000 audit report, as presented by Gibbons & Kawash is hereby approved.

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

NAYS: None.

ABSENT: Henry and Kimberling.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 718-01 adopted unanimously.

9. Your Committee on Finance has had under consideration bid submitted by Computers Plus, in the amount of \$2,550, for purchase of three (3) computers (\$850 each) for the Mattie V. Lee Home; To be charged to Account No. 25-097-00-011, CDBG–Public Services, and reports he 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-25, nays-0, absent-2, as follows:

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

NAYS: None.

ABSENT: Henry and Kimberling.

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

10. Your Committee on Finance has had under consideration Bill No. 6777, 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, No. 6276, No. 6349, No. 6532, No. 6544 and No. 6670, which authorized the acquisition and construction of certain extensions, additions, betterments and improvements to the sewerage system of The City of Charleston; authorizing the assumption of certain debt of the Guthrie Public Service District; authorizing the issuance of not more than \$855,000 in aggregate principal amount of 2001 Sewerage System Revenue Bonds, in two or more series as may be required, of said 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 evidence the assumption of said debt; providing for the rights and remedies of and security for the holders of such bonds; and adopting other provisions related thereto, and reports the same to Council with the recommendation that the Bill do pass.

Bill No. 6777-

The question being on the passage of the Bill a roll call was taken and there were; yeas-23, nays-0, absent-2, abstentions-2, as follows:

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

NAYS: None.

ABSENT: Henry and Kimberling.

ABSTAIN: Loeb and Prunty.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 6777 passed unanimously.

11. Your Committee on Finance has had under consideration Bill No. 6780, authorizing the issuance by The City of Charleston of not to exceed \$3,500,000 in aggregate principal amount of The City of Charleston Community Revenue Bonds (Family Enrichment Center Project), Series 2001, to finance a portion of the costs of the acquisition of real property and the reconstruction, improvement and equipment thereon of a family enrichment center and the loan of the proceeds thereof to Community Council of West Virginia, Inc., or any successor thereto, all as more fully set out herein; authorizing the execution and delivery of a Bond Trust Indenture, a Loan Agreement and other documents relating to the transaction; authorizing the sale of the bonds; appointing a trustee for the bonds; setting a public hearing with respect to such bonds and such family enrichment center; and taking other actions in connection with the issuance and sale of such bonds and such transaction, and reports the same to Council with the recommendation that the Bill do pass.

Bill No. 6780-

The question being on the passage of the Bill a roll call was taken and there were; yeas-23, nays-0, absent-2, abstentions-2, as follows:

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

NAYS: None.

ABSENT: Henry and Kimberling.

ABSTAIN: Loeb and Prunty.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 6780 passed unanimously.

12. Your Committee on Finance has had under consideration payment of an invoice from Community Council of Kanawha Valley, in the amount of \$37,563.61, for reimbursement of first and second quarter expenses covering salaries, mileage and program development; 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-25, nays-0, absent-2, as follows:

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

NAYS: None.

ABSENT: Henry and Kimberling.

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

13. Your Committee on Finance has had under consideration payment of an invoice from Bowles, Rice, McDavid, Graff & Love PLLC, in the amount of \$1,309.60, for professional services rendered during the month of February 2001, for General Worker’s Compensation; 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 Lane, Loeb and Markham abstaining, the Mayor declared the committee report adopted unanimously.

### **REPORTS OF OFFICERS**

1. City Treasurer's Report to City Council Month Ending February 2001; Received and Filed.
2. City of Charleston Financial Statements For The Eight-Month Period Ended February 28, 2001; Received and Filed.

### **NEW BILLS INTRODUCED**

None.

### **UNFINISHED BUSINESS**

Don Carr's birthday is today, the 19<sup>th</sup>.

Councilman James Lanham's birthday is March 20<sup>th</sup>.

Councilman John Charnock's birthday is March 23<sup>rd</sup>.

Councilwoman Sara Crickenberger's birthday is March 27<sup>th</sup>.

### **ROLL CALL**

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

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

At 7:35 p.m., on motion of Councilman Loeb, Council adjourned until Monday, April 2, 2001.

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Jay Goldman, Honorable Mayor

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James M. Reishman, City Clerk

3-19-2001councilaction