

**CITY OF CHARLESTON COUNCIL MINUTES NOVEMBER 5, 2001**

**PUBLIC SPEAKERS**

1. Perry Richardson
2. Kevin McCoy
3. Karen Winter
4. B. Diane Clements
5. Charles Raines

**CLAIMS**

1. A Claim of Roy Flowers; 1032 Route 21, Kenna, WV; alleges damage to property; Referred to City Solicitor.
2. A Claim of John H. Shdeed; 6518 Roosevelt Avenue, S.E., Charleston, WV; alleges damage to property; Referred to City Solicitor.

**COMMUNICATIONS**

***PROCLAMATIONS***

THREE FOLLOWING

**MISCELLANEOUS RESOLUTIONS**

None.

## REPORTS OF STANDING COMMITTEES

### *PLANNING*

Councilwoman Mary Jean Davis, Chairperson of the Council Committee on Planning, submitted the following reports.

1. Your Committee on Planning has had under consideration of Pinnacle Woods Drive Street naming attached hereto and made a part hereof. Your Committee finds that the street is private and this is a naming only. Your Committee further finds that the request has been received by all City Departments and the Post Office and there are no objections, and reports the same to Council with the recommendation that the street naming be accepted.

The question being on the approval of the street name a vote was taken. There being no dissent the Mayor declared Pinnacle Woods Drive as a private street naming approved unanimously.

2. Your Committee on Planning has had under consideration Glenridge Road Extension, Street Dedication attached hereto and made a part hereof. Your Committee finds that all requirements of the City Engineer, Traffic Engineer and Street Department have been met. Your Committee further finds that a Street Maintenance Bond of \$3,400.00 for a period of 2 years has been received, and reports the same to Council with the recommendation that the street dedication be accepted.

The question being on the approval of the dedication a vote was taken. There being no dissent the Mayor declared Glenridge Road Extension street dedication approved unanimously.

3. Your Committee on Planning has had under consideration Jamestown Road/Roanoke Trace Street Dedication attached hereto and made a part hereof. Your Committee finds that all requirements of the Traffic Engineer, City Engineer and Street Department have been met. Your Committee further finds that a \$25,000 Bond for a period of 2 years has been received, and reports the same to Council with the recommendation that the street dedication be accepted.

Councilwoman Davis made a motion to lay this item over until the November 19, 2001 Council meeting, due to the Bond not being received.

The question being on the approval of the motion a vote was taken. There being no dissent the Mayor declared Jamestown Road/Roanoke Trace Street dedication laid over.

### *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 Resolution No. 843-01, establishing a Residential Permit Parking policy for the City of Charleston, and reports the same to

Council with the recommendation that the Resolution be adopted as a Committee Substitute and be referred to the Council Committee on Finance.

Referred to Council Committee on Finance.

2. Your Committee on Streets and Traffic has had under consideration Bill No. 6850, a Bill establishing Section 31-208.1 of the City Code titled Residential Permit Parking, and reports the same to Council with the recommendation that the Bill do pass, as a Committee Substitute, and be referred to the Council Committee on Finance.

Referred to Council Committee on Finance.

### ***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. 864-01 and reports the same to Council with the recommendation that the Resolution be adopted.

Resolution No. 864-01 –“Authorizing the settlement of Civil Action No. 99-C-2746, Okey Nida v. City of Charleston, for the amount of \$175,000.00.”

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

That Civic Action No. 99-C-2746, Okey Nida v. City of Charleston, may be settled for the amount of One Hundred Seventy-five Thousand Dollars (\$175,000.00), in exchange for a full and final release of all claims against the defendants; To be charged to Account No. 01-418-0-0-2-029, Legal Department–Court Cost & Damages.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 864-01 adopted unanimously.

2. Your Committee on Finance has had under consideration Resolution No. 865-01, and reports the same to Council with the recommendation that the Resolution be adopted.

Resolution No. 865-01–“Authorizing the Mayor to sign Change Order No. 9 with Hayslett Construction Company for a decrease and/or credit of \$9,800 in the contract amount for the Civic Center Renovations Project - Phase II.”

#### 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. 9 with Hayslett Construction Company for a decrease and/or credit of \$9,800 in the contract amount for the Civic Center Renovations Project - Phase II. After work was begun on the roof replacement, it was

determined that some of the duct work would not have to be replaced. The new contract price for this project is \$4,934,839.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 865-01 adopted unanimously.

3. Your Committee on Finance has had under consideration Resolution No. 866-01, and reports the same to Council with the recommendation that the Resolution be adopted.

Resolution No. 866-01—"Authorizing the Mayor to enter into a contract with Eden Systems, in the amount of \$295,125, for purchase and implementation of a Public Administration Software Package for City departments."

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 Eden Systems, in the amount of Two Hundred Ninety-five Thousand One Hundred Twenty-five Dollars (\$295,125), for purchase and implementation of a Public Administration Software Package for City departments; To be charged to Account No. 01-439-0-0-4-061, Information Systems—Capital Outlay, Lease/Purchase.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 866-01 adopted unanimously.

4. Your Committee on Finance has had under consideration Resolution No. 867-01, and reports the same to Council with the recommendation that the Resolution be adopted.

Resolution No. 867-01—"Authorizing the Mayor to enter into a unit price with B.B.R. Drilling, in the amount of \$37,300, with an optional bid for a drop inlet and headwall in the amount of \$7,000, for a total bid of \$44,300, for the McKee Avenue Retaining Wall 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 B.B.R. Drilling, in the amount of Thirty-seven Thousand Three Hundred Dollars (\$37,300), with an optional bid for a drop inlet and headwall in the amount of Seven Thousand Dollars (\$7,000), for a total bid of Forty-four Thousand Three Hundred Dollars (\$44,300), for the McKee Avenue Retaining Wall Project; To be charged to Account No. 25-001-00-029, CDBG—Street Improvements.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-27, nays-0, absent-0, as follows:

YEAS: Charnock, Crickenberger, Davis, Fouty-Young, Haas, Harris, Henry, Jones, Kimberling, 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: None.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 867-01 adopted unanimously.

5. Your Committee on Finance has had under consideration Resolution No. 868-01, and reports the same to Council with the recommendation that the Resolution be adopted.

Resolution No. 868-01—"Authorizing the Mayor to enter into a contract with Burgess and Niple, Ltd. for Design of Scraggs Drive Bridge Replacement, related roadway design, pavement markings and signage, in the amount of \$59,708.35".

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 Burgess, and Niple, Ltd. for Design of the Scraggs Drive Bridge Replacement, related roadway design, pavement markings and signage, in the amount of Fifty-nine Thousand Seven Hundred Eight Dollars and Thirty-five Cents (\$59,708.35); To be charged to Account No. 25-000-00-029, CDBG–Street Improvements/Scraggs Drive Bridge.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-27, nays-0, absent-0, as follows:

YEAS: Charnock, Crickenberger, Davis, Fouty-Young, Haas, Harris, Henry, Jones, Kimberling, 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: None.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 868-01 adopted unanimously.

6. Your Committee on Finance has had under consideration Resolution No. 869-01, and reports the same to Council with the recommendation that the Resolution be adopted.

Resolution No. 869-01—"Authorizing the Mayor to enter into a unit price contract with Harry S. Peterson, in the amount of \$149,840, for the Watt Powell Park Renovation 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 Harry S. Peterson, in the amount of One Hundred Forty-nine Thousand Eight Hundred Forty Dollars (\$149,840), for the Watt Powell Park Renovation Project; 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 Resolution a vote was taken. There being no dissent, with the exception of Markham, the Mayor declared Resolution No. 869-01 adopted.

7. Your Committee on Finance has had under consideration Resolution No. 870-01, and reports the same to Council with the recommendation that the Resolution be adopted.

Resolution No. 870-01—"Authorizing the Mayor to enter into a renewal agreement with the Federal Deposit Insurance Corporation (FDIC) for leasing of 3,476 square feet of space in Municipal Parking Building No. 1, 116 Dickinson Street, at the rate of \$2,679.42 per month, or \$32,153 annually. The renewal agreement extends the term of the lease for FDIC to October 31, 2002, at the original rate of \$9.25 per square foot. 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 enter into a renewal agreement with the Federal Deposit Insurance Corporation (FDIC) for leasing of 3,476 square feet of space in Municipal Parking Building No. 1, 116 Dickinson Street, at the rate of Two Thousand Six Hundred Seventy-nine Dollars and Forty-two Cents (\$2,679.42) per month, or Thirty-two Thousand One Hundred Fifty-three Dollars (\$32,153) annually. The renewal agreement extends the term of the lease for FDIC to October 31, 2002, at the original rate of \$9.25 per square foot. 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. 870-01 adopted unanimously.

8. Your Committee on Finance has had under consideration Resolution No. 871-01, and reports the same to Council with the recommendation that the Resolution be adopted.

Resolution No. 871-01—"Authorizing the Mayor to sign a Lease Agreement with the Federal Bureau of Investigation (FBI) for leasing of 2,700 square feet of space in Municipal Parking Building No. 1, 118 Dickinson Street, at the rate of \$1,350 per month, or \$16,200 annually. The original Lease was signed in October 1999, and this Agreement continues the Lease through March 2002, at the original rate of \$6.00 per square foot. The primary use of the space is for storage."

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

That the Mayor is hereby authorized and directed to sign a Lease Agreement with the Federal Bureau of Investigation (FBI) for leasing of 2,700 square feet of space in Municipal Parking Building No. 1, 118 Dickinson Street, at a rate of One Thousand Three Hundred Fifty Dollars (\$1,350) per month, or Sixteen Thousand Two Hundred Dollars (\$16,200) annually. The original lease was signed in October 1999, and this agreement continues the lease through March 2002, at the original rate of \$6.00 per square foot. The primary use of the space is for storage.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 871-01 adopted unanimously.

9. Your Committee on Finance has had under consideration Resolution No. 872-01, and reports the same to Council with the recommendation that the Resolution be adopted as amended.

Councilman Roller made a motion to amend the Resolution by deleting the words "and December 2002 (7<sup>th</sup>, 14<sup>th</sup>, 21<sup>st</sup>, 28<sup>th</sup>).

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

Resolution No. 872-01, as amended—"Authorizing "Citizen Appreciation Parking" for specified Saturdays during the month of December 2001 (1<sup>st</sup>, 8<sup>th</sup>, 15<sup>th</sup>, 22<sup>nd</sup>, and 29<sup>th</sup>). "Citizen Appreciation Parking" shall include the waving of hourly parking fees at all City-operated facilities and all metered on-street parking spaces. If ratified by full Council, the revenue losses will be paid from General Revenue funds, as amended by Resolution No. 401-99, adopted December 6, 1999 (\$1,000/Saturday)."

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

That "Citizen Appreciation Parking" for specified Saturdays during the month of December 2001 (1<sup>st</sup>, 8<sup>th</sup>, 15<sup>th</sup>, 22<sup>nd</sup>, and 29<sup>th</sup>) is hereby approved. "Citizen Appreciation Parking" shall include the waving of hourly parking fees at all City-operated facilities and all metered on-street parking spaces. If ratified by full Council, the revenue losses will be paid from General Revenue funds, as amended by Resolution No. 401-99, adopted December 6, 1999 (\$1,000/Saturday).

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 872-01 adopted unanimously.

10. Your Committee on Finance has had under consideration Resolution No. 873-01, and reports the same to Council with the recommendation that the Resolution be adopted.

Resolution No. 873-01—"Authorizing the Mayor to enter into an agreement with Northeast Energy Partners, LLC (NEP) for delivery of natural gas to City sites at the rate of \$4.60 per dth starting on December 2, 2001, or on the first day NEP's chosen supplier begins the flow of natural gas to the agreed upon location(s), and will conclude at the end of twelve (12) months from the start date."

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 with Northeast Energy Partners, LLC (NEP) for delivery of natural gas to City sites at the rate of Four Dollars and Sixty Cents (\$4.60) per dth starting on December 1, 2001, or on the first day NEP's chosen supplier begins the flow of Natural gas to the agreed upon location(s), and will conclude at the end of twelve (12) months from the start date, with like term renewals unless canceled by either party upon sixty (60) days written notice; To be charged to various departmental utility accounts.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 873-01 adopted unanimously.

11. Your Committee on Finance has had under consideration Resolution No. 874-01, and reports

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

Resolution No. 874-01--“Authorizing the Finance Director to establish a new fund to be known as Fund 11 - - FEMA-WV Flood Mitigation Grant, to provide the basis for accountability of resources obtained from the federal grants for the purpose of flood mitigation. It is required that the monies of the fund may not be interest bearing or co-mingled with other funds.”

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

That the Finance Director is hereby authorized and directed to establish a new fund to be known as Fund 11 - - FEMA-WV Flood Mitigation Grant, to provide the basis for accountability of resources obtained from the federal grants for the purpose of flood mitigation. It is required that the monies of the fund may not be interest bearing or co-mingled with other funds.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 874-01 adopted unanimously.

12. Your Committee on Finance has had under consideration Resolution No. 875-01, and reports the same to Council with the recommendation that the Resolution be adopted.

Resolution No. 875-01--“Authorizing the Finance Director to establish a new fund to be known as Fund 03-- Municipal Financial Stabilization Fund, to provide the basis for accountability of resources from appropriations, gifts, grants, surplus of general fund at the end of the fiscal year, or any other funds made available for the purpose of covering a general fund shortfall or other purpose the municipality considers appropriate. The amount of money in the fund may not exceed thirty percent (30%) of the most recent general fund budget as originally adopted. The monies may be invested with earnings retained by the fund.”

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

That the Finance Director is hereby authorized and directed to establish a new fund to be known as Fund 03-- Municipal Financial Stabilization Fund, to provide the basis for accountability of resources from appropriations, gifts, grants, surplus, of general fund at the end of the fiscal year, or any other funds made available for the purpose of covering a general fund shortfall or other purposes the municipality considers appropriate. The amount of money in the fund may not exceed thirty percent (30%) of the most recent general fund budget as originally adopted. The monies may be invested with earnings retained by the fund.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 875-01 adopted unanimously.

13. Your Committee on Finance has had under consideration Resolution No. 876-01, and reports the same to Council with the recommendation that the Resolution be adopted.

Resolution No. 876-01--“Authorizing the Mayor to enter into an agreement with the West Virginia Department of Transportation to receive and administer grant funds in the amount of \$73,034. The funds will continue the West Virginia Child Passenger Safety Program for the period October 1,

2001 to September 30, 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 an agreement with the West Virginia Department of Transportation to receive and administer grant funds in the amount of Seventy-three Thousand Thirty-four Dollars (\$73,034). The funds will be used to continue the West Virginia Child Passenger Safety Program for the period October 1, 2001 to September 30, 2002.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 876-01 adopted unanimously.

14. Your Committee on Finance has had under consideration Resolution No. 877-01, and reports the same to Council with the recommendation that the Resolution be adopted.

Resolution No. 877-01—“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.

LIST FOLLOWING

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-27, nays-0, absent-0, as follows:

YEAS: Charnock, Crickenberger, Davis, Fouty-Young, Haas, Harris, Henry, Jones, Kimberling, 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: None.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 877-01 adopted unanimously.

15. Your Committee on Finance has had under consideration Resolution No. 878-01, and reports the same to Council with the recommendation that the Resolution be adopted.

Resolution No. 878-01—"Authorizing the Finance Director to allocate \$4,475 for rehabilitation of a project on the City's West Side."

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

That the Finance Director is hereby authorized and directed to allocate Four Thousand Four Hundred Seventy-five Dollars (\$4,475) for rehabilitation of a project on the City's West Side; To be charged to Account No. 25-099-00-014, CORP Rehabilitation.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-27, nays-0, absent-0, as follows:

YEAS: Charnock, Crickenberger, Davis, Fouty-Young, Haas, Harris, Henry, Jones, Kimberling, 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: None.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 878-01 adopted unanimously.

16. Your Committee on Finance has had under consideration Resolution No. 879-01, and reports the same to Council with the recommendation that the Resolution be adopted.

Resolution No. 879-01—"Authorizing the Finance Director to allocate funds in the amount of \$30,000 for a HOME Program Project in the East End 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 Thirty Thousand Dollars (\$30,000) for a HOME Program Project in the East End of Charleston; To be charged to Account No. 30-099-00-005, HOME Program-Acquisition of Property

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-27, nays-0, absent-0, as follows:

YEAS: Charnock, Crickenberger, Davis, Fouty-Young, Haas, Harris, Henry, Jones, Kimberling, 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: None.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 879-01 adopted unanimously.

17. Your Committee on Finance has had under consideration Resolution No. 880-01, and reports the same to Council with the recommendation that the Resolution be adopted.

Resolution No. 880-01—"Authorizing an amendment to the 2001 Community Development Block Grant budget to include the funds awarded by the Appalachian Regional Commission, Account No. 25-001-00-017, ARC Economic Development, on behalf of BIDCO to encourage the entrepreneurship and nurture business start-ups to grow and succeed by providing affordable workspace, shared office services, and business counseling, in the amount of \$136,850. This is contingent upon no adverse citizen comments being received during the 30-day comment period required through the MOECD Citizen Participation Plan."

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

That an amendment to the 2001 Community Development Block Grant budget to include the funds awarded by the Appalachian Regional Commission, Account No. 25-001-00-017, ARC Economic Development, on behalf of BIDCO to encourage the entrepreneurship and nurture business start-ups to grow and succeed by providing affordable workspace, shared office services, and business counseling, in the amount of One Hundred Thirty-six Thousand Eight Hundred Fifty Dollars

(\$136,850), is hereby approved. 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-27, nays-0, absent-0, as follows:

YEAS: Charnock, Crickenberger, Davis, Fouty-Young, Haas, Harris, Henry, Jones, Kimberling, 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: None.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 880-01 adopted unanimously.

18. Your Committee on Finance has had under consideration Resolution No. 881-01, and reports the same to Council with the recommendation that the Resolution be adopted.

Resolution No. 881-01—"Authorizing the Mayor to sign a Governor's Community Partnership Grant Application, in the amount of \$3,000, for the East End Association and the East End Neighborhood Association to install fencing around the Elizabeth Street Playground."

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

That the Mayor is hereby authorized and directed to sign a Governor's Community Partnership Grant Application, in the amount of Three Thousand Dollars (\$3,000), for the East End Association and the East End Neighborhood Association to install fencing around the Elizabeth Street Playground.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-27, nays-0, absent-0, as follows:

YEAS: Charnock, Crickenberger, Davis, Fouty-Young, Haas, Harris, Henry, Jones, Kimberling, 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: None.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 881-01 adopted unanimously.

19. Your Committee on Finance has had under consideration Resolution No. 882-01, and reports the same to Council with the recommendation that the Resolution be adopted.

Resolution No. 882-01—"Authorizing the Finance Director to amend the 1998 and 2001 Community Development Block Grant budgets 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 1998 and 2001 Community Development Block Grant budgets 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.

**AMENDMENT TO 1998 AND 2001 CDBG BUDGETS**

<u>Account Number</u>	<u>Description</u>	<u>Increase/(Decrease)</u>
25-001-01-199	Contingencies	(\$18,149.14)
25-098-00-029	Twilight Dr. & Slack St. Intersection	\$18,149.14

The question being on the adoption of the Resolution a roll call was taken and there were: yeas-27, nays-0, absent-0, as follows:

YEAS: Charnock, Crickenberger, Davis, Fouty-Young, Haas, Harris, Henry, Jones, Kimberling, 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: None.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 882-01 adopted unanimously.

20. Your Committee on Finance has had under consideration Resolution No. 883-01, and reports the same to Council with the recommendation that the Resolution be adopted.

Resolution No. 883-01—"Authorizing the Mayor to sign and submit the Request for Project Amendment, Scope/Activity Change (Form 2), Local Economic Development Assistance Program, in the amount of \$2,000 to assist with streetscape work at Magic Island and related administrative costs."

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

That the Mayor is hereby authorized and directed to sign and submit the Request for Project Amendment, Scope/Activity Change (Form 2), Local Economic Development Assistance Program, in the amount of Two Thousand Dollars (\$2,000), to assist with streetscape work at Magic Island and related administrative costs; To be charged to Account No. 01-110-5, Governor's Partnership Grant.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 883-01 adopted unanimously.

21. Your Committee on Finance has had under consideration Resolution No. 884-01, and reports the same to Council with the recommendation that the Resolution be adopted.

Resolution No. 884-01–“Authorizing and directing the Mayor to enter into a Hold Harmless Agreement with the City of St. Albans in which the City of Charleston agrees to Hold Harmless the City of St. Albans from all liability related to certain self-contained breathing apparatus products donated to Charleston by St. Albans, including all claims for products liability, breach of warranty and other product defect claims.”

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

That the Mayor is authorized and directed to enter into a Hold Harmless Agreement with the City of St. Albans in which the City of Charleston agrees to Hold Harmless the City of St. Albans from all liability related to certain self-contained breathing apparatus products donated to Charleston by St. Albans, including all claims for products liability, breach of warranty and other products defect claims.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 884-01 adopted unanimously.

22. Your Committee on Finance has had under consideration bid submitted by the two vendors listed on the attached sheet, in the total amount of \$45,895, for purchase of materials for the 6<sup>th</sup> Avenue/Iowa Street-Area Sewer Separation Project. The work for this project will be performed by City employees; To be charged to Account No. 25-098-00-027, CDBG–Flood Drain, 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-27, nays-0, absent-0, as follows:

YEAS: Charnock, Crickenberger, Davis, Fouty-Young, Haas, Harris, Henry, Jones, Kimberling, 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: None.

With a majority of 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 bid submitted by West Virginia Tractor Company, in the amount of \$87,500, for purchase of a GMC Refuse Packer Truck to be used by the Refuse Collection and Recycling Department; To be charged to Account No. 01-800-0-0-4-059, Refuse–Capital Outlay, Equipment, (\$85,000 of the funds were made available through a WV Recycling Assistance Grant), and reports the same to Council with the recommendation that the committee report be adopted.

The question being on the adoption of the committee report a roll call was taken and there were; yeas-27, nays-0, absent-0, as follows:

YEAS: Charnock, Crickenberger, Davis, Fouty-Young, Haas, Harris, Henry, Jones, Kimberling, 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: None.

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

24. Your Committee on Finance has had under consideration proposal submitted by Bob Barker Company, Inc., in the amount of \$5,350, for purchase of a prisoner transport cage to be installed in the new prisoner transport vehicle used by the Charleston Police Department; To be charged to Account No. 01-700-0-0-4-059, Police–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.

25. Your Committee on Finance has had under consideration proposal submitted by Stephens Auto Center, in the amount of \$256,308, for purchase of twelve (12) 2002 Ford Crown Victoria police cruisers for use in the Patrol Division of the Charleston Police Department; To be charged to Account No. 01-700-0-0-4-061, Police–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.

26. Your Committee on Finance has had under consideration payment of an invoice from Charleston Newspapers, in the amount of \$18,679.68, for publication of the City's Financial Statement in The Charleston Gazette and Charleston Daily Mail; To be charged to Account No. 01-412-0-0-2-020, City Manager–Legal Advertisements /Publications, 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.

27. Your Committee on Finance has had under consideration payment of five (5) invoices from Arrow Concrete, in the total amount of \$9,417, for purchase of materials used in the repairs made to Slack Street and Twilight Drive; To be charged to Account No. 25-098-00-029, CDBG–Street 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.

28. Your Committee on Finance has had under consideration payment of three (3) invoices from Apex Demolition Co., Inc., in the total amount of \$7,081.69, for demolition of structures at 110 Kanawha Boulevard, West (\$2,759.61); 708 Butler Street (\$3,192.77); and 5015 Washington Avenue, SE (\$1,129.31), in accordance with the contract price of \$1.19 per square foot; To be charged to Account No. 01-436-0-0-2-030, Building Commission–Contracted 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-27, nays-0, absent-0, as follows:

YEAS: Charnock, Crickenberger, Davis, Fouty-Young, Haas, Harris, Henry, Jones, Kimberling, 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: None.

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

29. Your Committee on Finance has had under consideration payment of an invoice from Pauley, Curry, Sturgeon & Vanderford, in the amount of \$4,825.55, for professional services rendered from July through September 2001, relating to claims filed through the Charleston Fireman Civil Service Commission; To be charged to Account No. 01-706-0-0-2-023, Fire-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 the Mayor declared the committee report adopted.

30. Your Committee on Finance has had under consideration payment of an invoice from Spilman, Thomas and Battle, in the amount of \$6,967.25, for professional services rendered during the months of May and June 2001 relating to privatization issues for refuse collections; 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 Councilwoman Davis abstaining, the Mayor declared the committee report adopted unanimously.

#### **REPORTS OF OFFICERS**

1. Municipal Court Financial Information for October, 2001; Received and Filed.
2. City of Charleston Payroll Variance Analysis October, 2001; Received and Filed.
3. City of Charleston Financial Statements For The Three-Month Period Ended September 30, 2001; Received and Filed.
4. The Sanitary Board Of The City of Charleston Financial Statements With Accompanying Information Years Ended June 30, 2001 and 2002; Received and Filed.

#### **NEW BILLS INTRODUCED**

## UNFINISHED BUSINESS

Mayor Goldman stated the following:

“Pursuant to the Rules of Council No. 7, the City Council may enact an ordinance at the same meeting at which it is introduced in the case of a pressing public emergency. The nature of such emergency has been set out in full in the proposed Ordinance as required therefore, conditions being of extreme peril, Council will consider Bill Nos. 6859, 6860, and 6861 under Unfinished Business; and passage of said Bills shall require 2/3 (18) majority of members elected recorded as voting in the affirmative.”

1. Council has had under consideration Bill No. 6859 introduced by Councilman Y. Howard Quick on November 5, 2001:

Bill No. 6859, a Bill to amend and re-enact Chapter One of the General Provisions Law of the Code of the City of Charleston, one thousand nine hundred seventy-five, as amended, by amending Section 1-14. Public Records Management and Archives Act, (m) Disposal of records by deleting the words “1978 West Virginia Manual” and inserting in lieu of the words “The most current copy of The West Virginia Municipality Records Manual” in order to keep this section as current as possible by not stating a specific year.

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

That the Council hereby amends and re-enacts Chapter One of the General Provisions Law of the Code of the City of Charleston, by amending section (m) as follows:

Sec. 1-14. Public Records Management and Archives Act

(A) Declaration of Policy. The Council declares that programs for cost efficient and economical management of city records will be to facilitate the incorporation of modern technology and procedures in the day-to-day record-keeping activities of city government and will facilitate and expedite government operations; that records containing information essential to the operation of government and to the protection of the rights and interests of persons must be protected against the destructive effects of all forms of disaster and must be available when needed. It is necessary, therefore, to adopt special provisions for the selection and preservation of historical and essential city records thereby providing for the protection and availability of such information.

(B) Definitions. As used in this section:

(1) “Disaster” means any occurrence of fire, flood, storm, earthquake, explosion, epidemic, riot, sabotage, or other condition of extreme peril resulting in substantial damage or injury to persons or property within this City, whether such occurrence is caused by an act of God, nature or man,

including any enemy of the United States.

(2) "Records" means document, book, paper, photograph, microfilm, sound or video recording or other materials, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business. Library and museum materials made or acquired and preserved solely for reference or exhibition purposes, extra copies of documents preserved only for convenience of reference, and stocks or publications and of processed documents are not included within the definition of records as used in this section.

(3) "City Record" means:

(a) A record of a department, office, commission, board or other agency, however designated, of the City government.

(b) A record of the City Council.

(c) A record of the Municipal Court.

(d) Any record designated or treated as a state record under state law, and which the state mandated a municipality must maintain.

(4) "Agency" means: any department, office, commission, boards or other unit, however designated, of the executive branch of city government.

(5) "Preservation Duplicate" means a copy of an essential city record which is used for the purpose of preserving such city record pursuant to this section.

(C) Categories of Records to be Preserved. City records which are within the following categories are essential records which shall be preserved pursuant to this section.

Category A. Records containing information necessary for the day to day operation of government. Historic records showing policy of Charleston to document history. Records containing information necessary to protect the rights and interest of persons or to establish and affirm the powers and duties of governments in the emergency created by a disaster, for the resumption of operations after a disaster.

(D) City Records Administrator. The City Manager hereby designated the City Records Administrator, hereinafter called the Administrator. The Administrator shall establish and administer in the executive branch of the City government a public records and Archives program, which will apply efficient and economical management methods to the creation, utilization, maintenance and retention, preservation and disposal of city records; and shall establish and maintain a program for the selection and preservation of essential city records and shall advise and assist in the establishment of programs for the selection and preservation of essential city records.

(E) Duties of Administrator. The Administrator shall, with due regard for the functions of the functions of the departments concerned.

(1) Establish standards, procedures, and techniques for effective management of records.

(2) Make continuing surveys of paper work operations and recommend improvements in current records management practices including the use of space, equipment and supplies employed in

creating, maintaining, and storing and servicing records.

(3) Establish standards for the preparation of schedules providing for the retention of city records.

(F) Duties of Department Heads. The head of each department shall:

(1) Establish standards for the preparation of schedules providing for the disposal of city records of continuing value for the prompt and orderly disposal of city records no longer possessing sufficient administrative, legal, or fiscal value warrant their further keeping. Update and recommend changes to schedule.

(2) Select the city records which are essential and determine their category pursuant to this section. In accordance with the rules and regulations promulgated by the Administer, each person who has custody or control of city records shall: (a) inventory the city records in his custody or control; (b) submit to the Administrator a report thereon containing such information as the Administrator directs and containing these recommendations as to which city records are essential; and (c) bi-annually review his inventory and his report, if necessary, revise his report so that it is current, accurate and complete.

(3) Obtain reports from departments as are required for the administration of the program. Ultimate responsibility rests with Department Head. The Department Head will designate a person in each department to work with City Coordinator.

(4) Establish and maintain an active, continuing program for the economical and efficient management of the records of the department.

(5) Make and maintain records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures and essential transactions of the department designed to furnish information to protect the legal and financial rights of the City and of persons directly affected by the department's activities.

(6) Submit to the Administrator, in accordance with the standards established by him/her schedules proposing the length of time each city record series warrants retention for administrative, legal or fiscal purpose after it has been received by the department. The head of each department also shall submit lists of city records in his custody that are not needed in the transaction of current business and that do not have sufficient administrative, legal or fiscal value to warrant their further keeping for disposal in conformity with the requirements of subsection (h) of this section.

(7) Cooperate with the Administrator in the conduct of surveys made by him pursuant to the provisions of this section.

(8) Comply with the rules, regulations, standards and procedures issued by the Administrator.

(9) First obtain the Administrator's written approval before purchasing or acquiring any equipment or supplies used or to be used to store or preserve records of his department. If such approval is obtained, the department shall submit a requisition to the finance department together

with a copy of the Administrator's said approval.

(G) Rules and Regulations. The Administrator shall promulgate such rules and regulations concerning the management and selection and preservation of essential city records as are necessary of proper to effectuate the purpose of this section.

(H) Essential City Records - Preservation Duplicates.

(1) The Administrator may make or cause to be made preservation duplicates or may designate as preservation duplicates existing copies of essential city records. A preservation duplicate shall be durable, accurate, complete and clear, and a preservation duplicate made by means of photography, microphotograph, photocopying, film or microfilm shall be made in conformity with the standards prescribed therefor by the Administrator and American National Standards Institute.

(2) A preservation duplicate made by a photographic, photostatic, microfilm, miniature photographic, or other process which accurately reproduces or forms a durable medium for so reproducing the original, shall have the same force and effect for all purposes as the original record whether the original record is in existence or not. A transcript, exemplification or certified copy of such preservation duplicate shall be deemed for all purposes to be a transcript, exemplification or certified copy of the original record.

(I) Safekeeping.

(1) The Administrator shall prescribe the manner of safekeeping of essential city records and preservation duplicates and may establish, with the approval of City Council, storage facilities therefore, The Administrator may provide for storage at an off-site location.

(2) When in the opinion of the Administrator, the legally designated or customary location of an essential city record is such that - the essential city record may be destroyed or unavailable in the event of a disaster caused by an enemy of the United States:

(a) The Administrator shall store a preservation duplicate at another location and permit such city record to remain at its legally designated or customary location; or

(b) The Administrator shall store such city record at a location other than its legally designated or customary location and deposit at the legally designated or customary location a preservation duplicate for use in lieu of the city record; or

(c) The Administrator may store such city record at a location other than its legally designated or customary location, without providing for a preservation duplicate, upon a determination that it is impracticable to provide for a preservation duplicate and that the city record is not frequently used. Such determination shall be made by the Administrator and the regularly designated custodian of such city record, but if they disagree, the determination shall be made by the Administrator.

(3) The requirements of subsection (2) of this section shall not prohibit the Administrator from removing an essential city record or preservation duplicate from the legally designated or customary location of the city record if a disaster caused by an enemy of the United States has occurred or is imminent.

(J) Maintenance, Inspection and Use.

(1) The Administrator shall properly maintain essential city records and preservation duplicates stored by him/her.

(2) An essential city record or preservation duplicate stored by the Administrator may be recalled by the regularly designated custodian of the city record for temporary use when necessary for the proper conduct of his office and shall be returned by such custodian to the Administrator immediately after such use.

(3) When an essential city record is stored by the Administrator, the Administrator, upon request of the regularly designated custodian of the city record, shall provide for its inspection, or for the making of certification of copies thereof, and such copies when certified by the Administrator shall have the same force and effect as if certified by the regularly designated custodian.

(K) Confidential Records. When a city record is required by law to be treated in a confidential manner and is an essential city record, the Administrator in effectuating the purpose of this section with respect to such city record, shall protect its confidential nature.

(L) Review of Program. The Administrator shall review periodically by at least once a year the program for the selection and preservation of essential city records, including the classification of records and the provisions for preservation duplicates, and for safekeeping of essential city records or preservation duplicates to ensure that the purposes of the section are accomplished.

(M) Disposal of records. No record shall be destroyed or otherwise disposed of by any department of the City, unless it is determined by the Administrator and the City Clerk that the record has no further administrative, legal, fiscal, research or historical value. The most current copy of The West Virginia Municipality Records Manual is hereby designated by Council as retention and disposition schedule of the City of Charleston. The City may amend retention schedule by approval.

(N) Destruction of Non-record Materials. Non-record materials or materials not included within the definition of records as contained in this section may, if not otherwise prohibited by law, be destroyed at any time by the department in possession of such materials without the prior approval of the Administrator. The Administrator may formulate procedures and interpretations to guide in the disposal on non-record materials.

(Ordinance No. 3869, Committee Substitute, as amended, 10-7-1985) (Ordinance No. 6859 11-5-2001)

The question being on the passage of the Bill a roll call was taken and there were; yeas-27, nays-0, absent-0, as follows:

YEAS: Charnock, Crickenberger, Davis, Fouty-Young, Haas, Harris, Henry, Jones, Kimberling, 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: None.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor

declared Bill No. 6859 passed unanimously.

2. Council has had under consideration Bill No. 6860 introduced by Councilman Larry Roller on November 5, 2001.

Bill No. 6860, a Bill to amend and re-enact Section 2-83 of the Code of the City of Charleston, relating to purchase of supplies and materials by adding a new section titled (d).

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

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

Section 2-83. Purchase of supplies and materials.

(a)

The question being on the passage of the Bill a roll call was taken and there were; yeas-27, nays-

0, absent-0, as follows:

YEAS: Charnock, Crickenberger, Davis, Fouty-Young, Haas, Harris, Henry, Jones, Kimberling, 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: None.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 6860 passed unanimously.

3. Council has had under consideration Bill No. 6861 introduced by Councilman Larry Roller on November 5, 2001.

Bill No. 6861, a Bill to amend and re-enact Section 2-73 of the Code of the City of Charleston, relating to advertising for bids by adding a new section titled (b).

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

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

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

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

(b) Nothing in this article shall preclude the city manager from entering into contracts without first advertising for bids and receiving council approval where, in the judgement of the city manager, the failure to immediately enter into a contract, would result in a condition of extreme peril resulting in substantial damage or injury to person or property within the City, whether such occurrence is caused by an act of God, nature or man, including an enemy of the United States.

This ordinance shall become effective immediately, pursuant to Rule 7 of the Rules of Council.

The question being on the passage of the Bill a roll call was taken and there were; yeas-27, nays-0, absent-0, as follows:

YEAS: Charnock, Crickenberger, Davis, Fouty-Young, Haas, Harris, Henry, Jones,

Kimberling, 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: None.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 6861 passed unanimously.

#### **MISCELLANEOUS BUSINESS**

Mayor Goldman commended the Watt Powell Park and Alley Cats Blue Ribbon Committee for their work.

Mayor Goldman requested all Councilmembers provide their E-Mail addresses to the City Manager, Sherry Risk, as soon as possible.

Councilwoman Linda Nielsen extended an invitation for any persons interested to view the Refuse Collection Vehicle parked in front of City Hall.

Councilman Loeb urged all members of Council to attend the meetings of the Committee on Health Insurance.

Councilman Molgaard invited everyone to attend the 5<sup>th</sup> annual RCCR Bean Dinner.

#### **ROLL CALL**

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

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

ABSENT: None.

At 9:00 p.m., on motion of Councilman Loeb, Council adjourned until 7:00 p.m., Monday, November 19, 2001.

---

Jay Goldman, Honorable Mayor

---

James M. Reishman, City Clerk