

OCTOBER 1, 2001 CHARLESTON CITY COUNCIL JOURNAL

Invocation was given by Henry Knauff, Ward 7 Council. The Pledge of Allegiance was lead by Bobby Reishman, Ward 16 Council.

PUBLIC SPEAKERS

1. Ray Evans
2. John Robertson
3. Bill Turner
4. Steve Bush
5. Russell Young

CLAIMS

1. A Claim of Thomas M. Ashworth; 610 Crestlyn Drive, Charleston, WV; alleges damage to vehicle; Referred to City Solicitor.
2. A Claim of Ronald W. Blevins; 5322 Stranahan Drive, Charleston, WV; alleges damage to vehicle; Referred to City Solicitor.

COMMUNICATIONS

TO: James Reishman, City Clerk
FROM: Jay Goldman, Mayor
RE: Municipal Beautification Commission
DATE: September 26, 2001

I am recommending that Mrs. Mary Jane Vanderwilt, 1208 Upper Ridgeway Road, Charleston, WV 25314, be appointed to the Municipal Beautification Commission. Mrs. Vanderwilt's term will expire September 19, 2004.

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

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

TO: James Reishman, City Clerk
FROM: Jay Goldman, Mayor
RE: Municipal Beautification Commission
DATE: September 26, 2001

I am recommending that Mrs. Barbara McCabe, 1553 Bridge Road, Charleston, WV 25314, be appointed to the Municipal Beautification Commission. Mrs. McCabe's term will expire September 19, 2004.

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

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

TO: James Reishman, City Clerk
FROM: Jay Goldman, Mayor
RE: Municipal Beautification Commission
DATE: September 26, 2001

I am recommending that Mrs. Howard (Betsy) Johnson, 1199 Johnson Road, Charleston, WV 25314, be appointed to the Municipal Beautification Commission. Mrs. Johnson's term will expire September 19, 2004.

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

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

TO: James Reishman, City Clerk
FROM: Jay Goldman, Mayor
RE: Municipal Beautification Commission
DATE: October 1, 2001

I am recommending that Ms. Beverly Wright, 607 Virginia Street West, Charleston, WV 25302 be appointed to the Municipal Beautification Commission. Ms. Wright's term will expire September 19, 2004.

Ms. Wright will be replacing Debbie Williams.

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

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

TO: James Reishman, City Clerk
FROM: Jay Goldman, Mayor
RE: East End Historical District Review Board
DATE: September 26, 2001

I am recommending that Mr. Bill Melton, 1555 Lee Street, Charleston, WV 25311 be appointed to the East End Historical District Review Board. Mr. Melton's term will expire April 16, 2002.

Mr. Melton will replace Lisa Frazier, 1585 Quarrier Street, Charleston, WV 25311.

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

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

TO: James Reishman, City Clerk
FROM: Jay Goldman, Mayor
RE: Civil Service Commission
DATE: September 26, 2001

I am recommending that James S. Arnold, PO Box 3842, Charleston, WV 25338 be appointed to the Civil Service Commission. Mr. Arnold's term will expire September 3, 2004.

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

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

MISCELLANEOUS RESOLUTIONS

Introduced by Councilman James "Mose" Lanham on October 1, 2001:

Resolution No. 843-01, a Resolution establishing a Residential Permit Parking policy for the City of Charleston:

Referred to Council Committee on Streets and Traffic.

Introduced by Councilman Robert Reishman on October 1, 2001:

Resolution No. 853-01, a Resolution amending and re-enacting Chapter Two - Administration; Rules of City Council, as adopted by Resolution No. 407-74, pursuant to Section 20 of the City Charter, and Chapter 2-27 (a) of the Code of the City of Charleston, by amending Rule No. 2 Committees, by adding a standing committee of Council to be known as Committee on Facilities.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 853-01 adopted unanimously.

Introduced by Councilman Ryan Henry on October 1, 2001:

Resolution No. 854-01, Declaring an area of the Community to be necessary to accomplish the implementation of an existing redevelopment plan, pursuant to the provisions of Chapter 16, Article 18, of the Code of West Virginia.

WHEREAS, in accordance with Chapter 16, Article 18, of the Code of West Virginia (the "Act"), the City of Charleston adopted the Washington Street, East Urban Renewal Plan (the "Plan"), on April 2, 1990 after having approved the boundaries of the Plan on January 2, 1990;

WHEREAS, the Plan constitutes a general plan of redevelopment pursuant to the Act, and the area subject to the Plan is a slum or blighted area in need of redevelopment;

WHEREAS, a cooperative effort of Charleston Urban Renewal Authority ("CURA"), the City of Charleston, Charleston Renaissance and the State of West Virginia surveyed and evaluated the East End Area of the City, including areas subject to the Plan, and issued recommendations for the development and redevelopment of the area (the "Central Plan"), with specific attention toward properties near the proposed Arts Center on Washington Street, East;

WHEREAS, the Central Plan recommended the introduction of a supermarket and grocery facility in the East End Area, as necessary for the complete and successful development and redevelopment of the project area and as necessary to accomplish the implementation of the Plan;

WHEREAS, the best and most beneficial location for such supermarket and grocery facility, in light of input from consultants, traffic patterns, city zoning, public access and other considerations, is at the city block between Washington, Elizabeth, Jackson and Maxwell Streets, and a portion of the City blocks between Washington, Maxwell, Jackson, and Nancy Streets (the "Subject Area");

WHEREAS, CURA determined that the introduction of a supermarket and grocery facility in the Subject Area is necessary for the implementation of the Plan, as evidenced by a resolution passed by Charleston Urban Renewal Authority passed on September 15, 2001;

WHEREAS, the Plan's current boundaries include most of the Subject Area, with the exception of lots 152, 153, 165, 166, 167, 168, 169, 170, 171, and 172 as identified on East Charleston Tax Map No. 23 (collectively, the "Addition");

WHEREAS, the inclusion of the Addition in the Plan is necessary for the introduction of a supermarket and grocery facility in the Subject Area and necessary to accomplish the implementation of the Plan; and

WHEREAS, the Plan area and the Addition, as a whole, constitutes a blighted or slum area in need of redevelopment pursuant to the Act.

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

That the Plan shall be amended and its boundaries expanded to include the Addition, and that such amendment and expansion is necessary for the implementation of the Plan.

Referred to Council Committee on Urban Renewal.

REPORTS OF STANDING COMMITTEES

PLANNING

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

1. Your Committee on Planning has had under consideration Jordan Place Street Dedication attached hereto and made a part hereof. Your Committee finds that the bond should be in the amount of \$25,000.00 and for a period of 5 years, and reports the same to Council with the recommendation that the street dedication should be accepted upon receipt of the bond, as amended.

Councilwoman Davis made a motion to amend the committee report be changing “5 years” to “2 years”.

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

The question being on the adoption of Jordan Place Street Dedication. There being no dissent the Mayor declared Jordan Place as a dedicated street , with a bond of \$25,000.00 for a 2 year period by unanimous vote.

2. Your Committee on Planning has had under consideration Bill No. 6826. Your Committee finds to rezone the 9 acre tract of land east of Greenbrier Pool and adjacent to Chesterfield Avenue from R-4 Single Family to a Planned Unit Development (PUD) in order to develop 24 townhouses in five dwelling units. The Planning Committee recommends approval because:

1. The proposed use is compatible with the surrounding neighborhood.
2. The development makes good use of vacant property and open space.

3. The proposed plan meets the requirements and provisions of the PUD.
4. The development plans have been reviewed by all applicable City Departments.
5. The proposed development proposes adequate landscaping and buffering to surrounding uses and Chesterfield Avenue, and reports the same to Council with the recommendation that the Bill do pass.

Bill No. 6826, a Bill amending the Zoning Ordinance of the City of Charleston, West Virginia, enacted the 7th day of March 1983, as amended, and the map made a part thereof, by rezoning from an R-4 District to a PUD Planned Unit Development District, that certain 9 acre, m/l tract of land on Chesterfield Avenue, just east of, and adjacent to, the Greenbrier Pool, Charleston, West Virginia.

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

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

Parcel No. 6 as shown on Kanawha City Tax Map No. 26. Subject parcel commonly known as property east of, and adjacent to, the Greenbrier Pool, Chesterfield Avenue, Charleston, Kanawha County, West Virginia. Said tax map is of record in the Charleston Planning Department.

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

The question being on the passage of the Bill a roll call was taken and there were; yeas-18, nays-7, absent-2, as follows:

YEAS: Charnock, Davis, Haas, Jones, Knauff, Lane, David Lanham, James Lanham, Loeb, McKnight, Molgaard, Morton, Pettry, Quick, Reishman, Roller, Talkington, and Mayor Goldman.

NAYS: Fouty-Young, Harris, Henry, Kimberling, Lopez, Markham, and Prunty.

ABSENT: Crickenberger and Nielsen.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 6826 passed.

3. Your Committee on Planning has had under consideration Bill No. 6827. Your Committee finds that the Bill should be amended on line 42 after the words "Loading" by adding "Section 21-4 (c) Assembly Hall without seats - one parking space for each 100 square feet of floor area used for assembly. Your Committee finds that the proposed text amendment allowing auctions as a special permit in a C-6 Zoning District pass because:

1. City Council recently passed a Bill lifting the prohibition of auction within the city limits.
2. The Zoning Ordinance allows an auction in C-10 General Commercial Districts, and I-2 Light Industrial Districts as a permitted use, and CBD Central Business District as a special permit use.
3. An auction can be compatible with other uses in C-6 Zoning Districts, and reports the same to Council with the recommendation that the Bill, as amended, do pass.

Councilwoman Davis made a motion to amend the Bill on line 42 after the word "Loading" by adding "Section 21-4 (c) Assembly Hall without seats - one parking space for each 100 square feet of floor area used for assembly."

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. 6827, as amended, a Bill amending the Zoning Ordinance of the City of Charleston by adding a definition of an auction, adding auctions as a special permit use and establishing standards for auction facilities.

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

The question being on the passage of the Bill a roll call was taken and there were; yeas-24, nays-1, absent-2, as follows:

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

NAYS: Fouty-Young.

ABSENT: Crickenberger and Nielsen.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 6827, as amended, passed.

4. Your Committee on Planning has had under consideration Bill No. 6840, a text amendment allowing jewelry stores in a C-4 Neighborhood Commercial District is compatible with other similar uses of this District, and reports the same to Council with the recommendation that the Bill do pass.

Bill No. 6840, a Bill amending the Zoning Ordinance of the City of Charleston by adding Jewelry, Watches or Clocks as a Principal permitted use in a C-4 Neighborhood Commercial District.

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

The Zoning Ordinance of the City of Charleston, West Virginia enacted the 7th day of March 1983, as amended, is hereby amended by adding Jewelry, Watches or Clocks. The new provision shall read as follows:

(1) In ARTICLE X: C-4 Neighborhood Commercial District Sec. 10-2 Permitted principal uses (c) Retail trade

10-2 (c) (15.1) Jewelry, Watches or Clocks

(4) The TABLE OF PERMITTED USES is hereby amended to conform with Section (1) above.

(5) All prior ordinances, or parts of ordinances, inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

The question being on the passage of the Bill a roll call was taken and there were; yeas-24, nays-1, absent-2, as follows:

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

NAYS: Fouty-Young.

ABSENT: Crickenberger and Nielsen.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 6840 passed.

URBAN RENEWAL

Councilwoman Sara Crickenberger, Chairman of the Council Committee on Urban Renewal, submitted the following report.

1. Your Committee on Urban Renewal has had under consideration Bill No. 6841, and reports the same to Council with the recommendation that the Bill do pass.

Bill No. 6841, a Bill approving certain modifications of the West Side Urban Renewal Plan for the City of Charleston, West Virginia, with respect to: Changing the zoning category of a certain property on Tennessee Avenue and Roane Street from C-6 Community Commercial District to C-10 General Commercial District.

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

1. The City Council finds that:

- a. The Charleston Urban Renewal Authority has recommended certain modifications of the West Side Urban Renewal Plan for the City of Charleston;
- b. A general plan known as the Comprehensive Plan for the City of Charleston has been adopted by City Council and is recognized and used as a general guide for the development of the City;
- c. The Municipal Planning Commission of the City of Charleston has submitted to the Urban Renewal Authority its findings that the proposed modifications conform with said Comprehensive Plan;
- d. City Council has duly considered said findings; and
- e. Section "F" of said West Side Urban Renewal Plan provides that the plan may be changed from time to time in compliance with the requirements of the law.

2. The modifications of the West Side Urban Renewal Plan set forth in the following section of this Ordinance are hereby found to be feasible and in compliance with the Comprehensive Plan for the City of Charleston.

3. The Zoning Map-West Side (Exhibit 4) is hereby amended by changing the zoning category from C-6 Community Commercial District to C-10 General Commercial District a certain parcel bounded by Roane Street, Tennessee Avenue, more particularly described as: Parcel 61, Charleston West Tax Map No. 27.

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

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

NAYS: None.

ABSENT: Crickenberger and Nielsen.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 6841 passed unanimously.

CITY EMPLOYEES

Councilman Bill Kimberling, Chairman of the Council Committee on City Employees, submitted the following report.

1. Your Committee on City Employees has had under consideration Bill No. 6800, a Bill to amend and re-enact the City of Charleston Drug and Alcohol Testing Policy, and reports the same to Council with the recommendation that the Bill do pass, as an amended Committee Substitute.

Councilman Kimberling made a motion to amend the Bill by adding the following provisions after the proposed language at subsection (c) of Section 10.3 (page 20) which provides that "First Offense - Random/Reasonable Suspicion/Employee Transfer/Promotion/Positive Drug Test Result/Alcohol Concentration of 0.04 Or Greater Results Will Cause the Employee To Be Dismissed".

Provided that such dismissal shall be deemed a suspension without pay if within 48 hours of the notification of test results the employee executed a consent agreement whereby the employee agrees to the following conditions:

(i) The employee waives any and all rights to grieve or to have a hearing on the issues before applicable hearing boards, civil service commissions, or any other administrative or judicial process, except as the same may relate to an alleged breach of the terms of this consent agreement:

(ii) The employee will be evaluated by a qualified Substance Abuse Professional as soon as reasonably practicable and in any event within (7) calendar days of the notification of positive test results and shall authorize and cause a copy of the evaluation and treatment plan, and any follow-up reports, to be delivered to the Director of Human Resources:

(iii) The employee agrees to abide by the treatment program established by the Substance Abuse Professional:

(iv) The employee agrees to pay for such evaluation and treatment without reference to or claims for reimbursement against City healthcare benefits:

(v) The employee agrees to follow-up drug and/or alcohol testing at a rate directed by the Substance Abuse Professional, to be conducted on an unannounced basis and a frequency of not less than six (6) during the first twelve (12) months following the employee's return to work, with it being understood and agreed that the Substance Abuse Professional may continue or terminate the follow-up testing requirement at any time after the first six (6) tests, and for such reasonable period beyond twelve (12) months as may be deemed necessary, at his/her discretion:

(vi) The employee agrees to pay for all costs associated with the follow-up testing:

(vii) The employee agrees to authorize and give consent to any Substance Abuse Professional or other treatment provider to release any information the City requests regarding the employee's evaluation, treatment, or fitness for duty:

(viii) Any additional terms, conditions, or stipulations that the City may deem necessary to effectuate the intent of this provision:

and Provided further, that the suspension will be lifted and the employee will be returned to his or her regular duties, or in the City's discretion to duties in another capacity, only upon certification from a Substance Abuse Professional that the employee is fit to return to duty:

and Provided further, that any employee who does not follow the entire plan set forth by the Substance Abuse Professional, or violates the terms and conditions of the Consent Agreement in any way, or test positive on a follow-up Drug Test, or has a Breath Alcohol concentration of 0.02 or Greater on a follow-up test shall, upon reasonable verification of the same, be immediately dismissed, regardless of whether the suspension had previously lifted or not.

Second Offense - Dismissal

The question being on the passage of the amendment a roll call was taken and there were; yeas- 14, nays- 11, absent- 2, as follows:

YEAS: Charnock, Fouty-Young, Harris, Henry, Jones, Kimberling, Knauff, Lane, James Lanham, Lopez, Molgaard, Morton, Prunty, and Quick.

NAYS: Davis, Haas, David Lanham, Loeb, Markham, McKnight, Pettry, Reishman, Roller, Talkington, and Mayor Goldman.

ABSENT: Crickenberger and Nielsen.

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

Bill No. 6800, Committee Substitute, as amended, a Bill to amend and re-enact the City of Charleston Drug and Alcohol Testing Policy.

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

That the City of Charleston Drug and Alcohol Testing Policy previously adopted by Council effective January 1, 1996, is amended and re-enacted as provided in the attached document titled “City of Charleston Drug and Alcohol Testing Policy.”

The question being on the passage of the Bill a roll call was taken and there were; yeas-19, nays-5, absent-3, as follows:

YEAS: Charnock, Davis, Harris, Henry, Jones, Kimberling, Knauff, Lane, James Lanham, Loeb, Lopez, McKnight, Molgaard, Morton, Pettry, Prunty, Quick, Reishman, and Mayor Goldman.

NAYS: Haas, David Lanham, Markham, Roller, and Talkington.

ABSENT: Crickenberger, Fouty-Young and Nielsen.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 6800, Committee Substitute, as amended, passed.

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. 844-01, and reports the same to Council with the recommendation that the Resolution be adopted.

Resolution No. 844-01,—“Authorizing the Mayor to sign Change Order No. 8 with Hayslett Construction Company, in the amount of \$24,874, for additional changes in the Civic Center Renovation 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. 8 with Hayslett Construction Company, in the amount of Twenty-four Thousand Eight Hundred Seventy-four Dollars (\$24,874), for additional changes in the Civic Center Renovations Project - Phase II. The original contract amount for this project was \$4,487,030. Change Orders to-date total \$457,609, for a new contract price of \$4,944,639. Change Order No. 8 provides for the following:

- 1. Concrete curbing to repair deteriorated brick around loading dock area at the new West Hall\$3,900
- 2. Replace deteriorated insulation at re-roofed areas over conference rooms\$20,974

Funds for change order are available through proceeds received from the sale of bonds, Civic Center

Renovations - Phase II.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 844-01 adopted unanimously.

2. Your Committee on Finance has had under consideration Resolution No. 845-01, and reports the same to Council with the recommendation that the Resolution be adopted.

Resolution No. 845-01—"Authorizing the Mayor to enter into a unit price contract with Madison Coal & Supply Co., in the amount of \$71,550, to install filter fabric and rip rap to protect the lower bank of Elk River in the vicinity of Elk River Park."

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 Madison Coal & Supply Co., in the amount of Seventy-one Thousand Five Hundred Fifty Dollars (\$71,550), to install filter fabric and rip rap to protect the lower bank of Elk River in the vicinity of Elk River Park; To be charged to Account No. 01-110-5, Elk River Park—Transportation Enhancement Project.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 845-01 adopted unanimously.

3. Your Committee on Finance has had under consideration Resolution No. 846-01, and reports the same to Council with the recommendation that the Resolution be adopted.

Resolution No. 846-01—"Authorizing the Mayor to enter into a unit price contract with Hodges & Associates, Inc., in the amount of \$139,875, for the Concrete Sidewalk Accessibility Ramp 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 Hodges & Associates, Inc., in the amount of One Hundred Thirty-nine Thousand Eight Hundred Seventy-five Dollars (\$139,875), for the Concrete Sidewalk Accessibility Ramp Project; To be charged to Account No. 25-001-00-032, CDBG—Sidewalk & Steps.

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

NAYS: None.

ABSENT: Crickenberger and Nielsen.

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

Resolution No. 846-01 adopted unanimously.

4. Your Committee on Finance has had under consideration Resolution No. 847-01, and reports the same to Council with the recommendation that the Resolution be adopted.

Resolution No. 847-01–“Authorizing the Mayor to enter into a contract with Kennedy Construction Company, in the amount of \$25,000, for rehabilitation of the Samaritan Inn, located at 1117 Quarrier Street.”

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

That the Mayor is hereby authorized and directed to enter into a contract with Kennedy Construction Company, in the amount of Twenty-five Thousand Dollars (\$25,000), for rehabilitation of the Samaritan Inn, located at 1117 Quarrier Street; To be charged to Account No. 25-000-00-014, CORP Rehabilitation.

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

NAYS: None.

ABSENT: Crickenberger and Nielsen.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 847-01 adopted unanimously.

5. Your Committee on Finance has had under consideration Resolution No. 848-01, and reports the same to Council with the recommendation that the Resolution be adopted.

Resolution No. 848-01–“Authorizing the Mayor to sign Change Order No. 1 with B&K Construction & Siding, in the amount of \$3,800, for installation of sheeting and vents for a rehabilitation project on the West Side.”

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

That the Mayor is hereby authorized and directed to sign Change Order No. 1 with B&K Construction & Siding, in the amount of Three Thousand Eight Hundred Dollars (\$3,800), for installation of sheeting and vents for a rehabilitation project on the 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-25, nays-0, absent-2, as follows:

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

NAYS: None.

ABSENT: Crickenberger and Nielsen.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 848-01 adopted unanimously.

6. Your Committee on Finance has had under consideration Resolution No. 849-01, and reports the same to Council with the recommendation that the Resolution be adopted.

Resolution No. 849-01—“Amending the account number for Rehabilitation of the Mattie V. Lee Home, approved by Council on August 20, 2001, Resolution No. 824-01, in the amount of \$6,500, by changing Account No. 25-99-00-014, CORP Rehabilitation, to Account No. 25-096-00-002, CDBG Rehabilitation/Mattie V. Lee Home.”

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

That amending the account number for Rehabilitation of the Mattie V. Lee Home, approved by Council on August 20, 2001, Resolution No. 824-01, in the amount of Six Thousand Five Hundred Dollars (\$6,500), by changing Account No. 25-99-00-014, CORP Rehabilitation, to Account No. 25-096-00-002, CDBG Rehabilitation/Mattie V. Lee, is 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, Davis, Fouty-Young, Haas, Harris, Henry, Jones, Kimberling, Knauff, Lane, David Lanham, James Lanham, Loeb, Lopez, Markham, McKnight, Molgaard, Morton, Pettry, Prunty, Quick, Reishman, Roller, Talkington, and Mayor Goldman.

NAYS: None.

ABSENT: Crickenberger and Nielsen.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 849-01 adopted unanimously.

7. Your Committee on Finance has had under consideration Resolution No. 850-01, and reports the same to Council with the recommendation that the Resolution be adopted.

Resolution No. 850-01—“Authorizing the Finance Director to allocate funds in the amount of \$10,533 to provide a required cash match for the receipt of funds in the amount of \$94,797 through Local Law Enforcement Block Grant - 2001 (LLEBG).”

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 Ten Thousand Five Hundred Thirty-three Dollars (\$10,533) to provide a required cash match for the receipt of funds in the amount of Ninety-four Thousand Seven Hundred Ninety-seven Dollars (\$94,797) through Local Law Enforcement Block Grant - 2001 (LLEBG); To be charged to Account No. 01-700-0-0-4-059, Police–Capital Outlay, Equipment.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 850-01 adopted unanimously.

8. Your Committee on Finance has had under consideration Resolution No. 851-01, and reports the same to Council with the recommendation that the Resolution be adopted.

Resolution No. 851-01–“Authorizing the Mayor to enter into a contract with Marshall University, Center for Business & Economic Research (CBER), Lewis College of Business, in the amount of \$13,230, to prepare a Recovery Action Program (RAP) for the City of Charleston.”

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 Marshall University, Center for Business & Economic Research (CBER), Lewis College of Business, in the amount of Thirteen Thousand Two Hundred Thirty Dollars (\$13,230), to prepare a Recovery Action Program (RAP) for the City of Charleston. The proposed scope of work would identify the strengths, weaknesses, and needs of the parks, recreation, and public grounds, and assist in ensuring the City’s eligibility to participate in the federal Urban Park and Recreation Recovery Program (UPARR).

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 851-01 adopted unanimously.

9. Your Committee on Finance has had under consideration Resolution No. 852-01, and reports the same to Council with the recommendation that the Resolution be adopted.

Resolution No. 852-01–“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.

General Fund 2001-2002 Budget Amendment No. 7 - October 1, 2001

<i>Account No.</i>	<i>Department</i>	<i>Description</i>	<i>Amount</i>
01-412-00-000-2-024	City Manager	Audit Costs	\$15,000
01-699-00-000-5-098	Contingency		(15,000)

Provide additional funds necessary for completion of procedural review for recommendations in the Collector's Office.

Reportable:

To maintain compliance with budgetary guidelines of the State of West Virginia, State Auditors Office, Chief Inspector Division.

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

NAYS: None.

ABSENT: Crickenberger and Nielsen.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 852-01 adopted unanimously.

10. Your Committee on Finance has had under consideration bid submitted by Central Salt for purchase of up to 5,000 tons of salt, in the amount of \$44.99 per ton, to be used by the Street Department on an as needed basis for snow and ice removal; To be charged to Account No. 01-750-0-0-3-055, Street-Snow Removal Materials, 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.

11. Your Committee on Finance has had under consideration proposal submitted by DLT Solutions, Inc., in the amount of \$6,648.95, for design software to be used by the Engineering Department with the Autodesk System; To be charged to Account No. 01-420-0-0-4-059, Engineering-Capital Outlay, Equipment, and reports the same to Council with the recommendation that the committee report be adopted.

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

12. Your Committee on Finance has had under consideration proposal submitted by West Virginia Uniforms, in the amount of \$3,600, for purchase of eight (8) PACO body armors (bullet proof vests) to replace existing vests approaching the end of service life for this equipment;
To be charged to Account No. 01-700-0-0-3-045, Police–Uniforms, 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.

13. Your Committee on Finance has had under consideration payment of an invoice from Asbestos Consulting, Inc., in the amount of \$15,654.50, for abatement of asbestos containing materials from 11 structures located throughout the City, and in accordance with the contract price of \$3.09 per square foot;

Asbestos abatement services were completed at the following locations:

4526 Washington Avenue	\$ 519.12	1110 Kanawha Boulevard	\$1,059.87
924 ½ South Park Road	5,855.55	1116 Second Avenue	197.76
1438 Beech Avenue	3,337.20	4 Rose Court	1,520.28
708 Butler Street	1,041.89	27 Ohio Avenue	642.72
939 Greenbrier Street	667.44	1547 Jackson Street	410.97
306 Grove Avenue	401.70		

To be charged to Account No. 25-001-00-033, CDBG–Demolition & Clearance, 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, Davis, Fouty-Young, Haas, Harris, Henry, Jones, Kimberling, Knauff, Lane, David Lanham, James Lanham, Loeb, Lopez, Markham, McKnight, Molgaard, Morton, Pettry, Prunty, Quick, Reishman, Roller, Talkington, and Mayor Goldman.

NAYS: None.

ABSENT: Crickenberger and Nielsen.

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

14. Your Committee on Finance has had under consideration payment of four (4) invoices from Apex Demolition Co., Inc., in the total amount of \$9,047.57, for demolition of four (4) structures, and in accordance with the contract price of \$1.19 per square foot, at the following locations:

1116 Second Avenue	\$1,667.19
1547 Jackson Street	2,142.00
1438 Beech Avenue	1,599.36
27 Ohio Avenue	3,639.02

To be charged to Account No. 25-001-00-033, CDBG–Demolition & Clearance, 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, Davis, Fouty-Young, Haas, Harris, Henry, Jones, Kimberling, Knauff, Lane, David Lanham, James Lanham, Loeb, Lopez, Markham, McKnight, Molgaard, Morton, Pettry, Prunty, Quick, Reishman, Roller, Talkington, and Mayor Goldman.

NAYS: None.

ABSENT: Crickenberger and Nielsen.

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

15. Your Committee on Finance has had under consideration payment of invoice from Moore's Lumber and Building Supplies, Inc., in the amount of \$29,940.81, for materials and supplies used for World Changers rehabilitation projects throughout the City; To be charged to Account No. 25-099-00-014, CORP – Rehabilitation, 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, Davis, Fouty-Young, Haas, Harris, Henry, Jones, Kimberling, Knauff, Lane, David Lanham, James Lanham, Loeb, Lopez, Markham, McKnight, Molgaard, Morton, Pettry, Prunty, Quick, Reishman, Roller, Talkington, and Mayor Goldman.

NAYS: None.

ABSENT: Crickenberger and Nielsen.

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

16. Your Committee on Finance has had under consideration payment of an invoice from Lifebridge/CCKV, in the amount of \$4,248.60, for reimbursement of salary and operational expenses for the month of July 2001; To be charged to Account No. 25-001-00-011, CDBG–Public Services/Lifebridge, 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, Davis, Fouty-Young, Haas, Harris, Henry, Jones, Kimberling, Knauff, Lane, David Lanham, James Lanham, Loeb, Lopez, Markham, McKnight, Molgaard, Morton, Pettry, Prunty, Quick, Reishman, Roller, Talkington, and Mayor Goldman.

NAYS: None.

ABSENT: Crickenberger and Nielsen.

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

17. Your Committee on Finance has had under consideration payment of an invoice from Arrow Concrete, in the amount of \$10,690, for street improvements on Slack Street; 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 roll call was taken and there were; yeas-25, nays-0, absent-2, as follows:

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

NAYS: None.

ABSENT: Crickenberger and Nielsen.

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

18. Your Committee on Finance has had under consideration payment of an invoice from Martin Marietta Aggregates, Inc., in the amount of \$3,708.02, for street improvements on Slack Street; 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 roll call was taken and there were; yeas-25, nays-0, absent-2, as follows:

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

NAYS: None.

ABSENT: Crickenberger and Nielsen.

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

19. Your Committee on Finance has had under consideration payment of an invoice from THP Limited, Inc., in the amount of \$4,406.10, for structural inspection of the Watt Powell Park Stadium; To be charged to Account No. 58-900-0-0-4-060, P&R–Capital Outlay, Major Improvements, and reports the same to Council with the recommendation that the committee report be adopted.

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

20. Your Committee on Finance has had under consideration payment of an invoice from the South Charleston Police Department, in the amount of \$6,149.87, for police officer overtime incurred during seatbelt patrols and checkpoints for the period December 2000 through June 2001; To be charged to Account No. 39-175-00-3-0-02, Police Highway Safety 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 vote was taken. There being no dissent the Mayor declared the committee report adopted unanimously.

21. Your Committee on Finance has had under consideration payment of an invoice from the U.S. Department of Justice, in the amount of \$29,328, for return of 10% of the original award amount for the Local Law Enforcement Block Grant (LLEBG) due to the City of Charleston not being in compliance with the Public Safety Officer Health Benefits (PSOHB) provisions of federal statutes relating to LLEBG awards; To be charged to the following accounts:
\$18,726 - 19-365-99-0064, LLEBG-99, Program Income
\$10,602 - 37-365-00-0065, LLEBG-00, Program Income
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.

22. Your Committee on Finance has had under consideration payment of an invoice from the Police Forfeiture Fund, in the amount of \$3,259, for return of 10% of the grant match for Local Law Enforcement Block Grant (LLEBG) due to an amended award resulting from the City of Charleston not being in compliance with the Public Safety Officer Health Benefits (PSOHB) provisions of federal statutes relating to LLEBG awards; To be charged to the following accounts:
\$2,080 - 19-369-00-0000, LLEBG-99, Transfers from Other Funds
\$1,179 - 37-369-00-0000, LLEBG-00, transfers from Other Funds
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 he committee report adopted unanimously.

REPORTS OF OFFICERS

1. City of Charleston, West Virginia Financial Statements For The Year Ended June 30, 2001; Received and Filed.
2. City of Charleston , West Virginia Financial Statements For The One-Month Period Ended July 31, 2001; Received and Filed.
3. Annual Report of Policemen and Firemen Pension & Protection Funds; Fiscal Year July 1, 2000 to June 30, 2001; Received and Filed.

NEW BILLS INTRODUCED

UNFINISHED BUSINESS

1. Your Committee on Finance has had under consideration Resolution No. 813-01, and reports the same to Council with the recommendation that the Resolution be adopted.

Councilman Loeb made a motion to lay over the Resolution until the next council meeting.

The question being on the approval of the motion a vote was taken. There being no dissent the Mayor declared Resolution No. 813-01 laid over until October 15, 2001 meeting of Council.

ROLL CALL

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

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

ABSENT: Crickenberger and Nielsen.

At 9:10 p.m., on motion of Councilman Loeb, Council adjourned until 7:00 p.m., Monday, October 15, 2001.

Jay Goldman, Honorable Mayor

James Reishman, City Clerk