

PUBLIC HEARING

Mayor Goldman stated the following:

Pursuant to the provisions of Chapter 8, Section 11, Article 4, of the West Virginia Code, and after duly being advertised as required on August 29, 2001, I now declare the floor open for a Public Hearing on Bill No. 6799. The Chair sees no one from the public. The Chair hears no one from the public. The Chair declares the Public Hearing closed.

PUBLIC SPEAKERS

None.

CLAIMS

1. A Claim of Margaret White; 4709 MacCorkle Avenue, S.E., Apt 3-A, Charleston, WV; alleges damage to rental property; Referred to City Solicitor.
2. A Claim of Andy Malinoski; 370 Fairview Drive, Charleston, WV; alleges personal claim; Referred to City Solicitor.

COMMUNICATIONS

None.

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 Special Permit No. 1011, attached hereto and made a part hereof. Your Committee finds that the request is consistent with the East End Neighborhood Revitalization Plan, and is consistent with surrounding uses, and will not generate excessive traffic, and reports the same to Council with the recommendation that the Special Permit be approved.

The question being on the approval of the Special Permit a vote was taken. There being no dissent the Mayor declared Special Permit No. 1011 approved unanimously.

2. Your Committee on Planning has had under consideration Bill Bo. 6801, attached hereto and made a part hereof. Your Committee finds that the subject properties are the only parcels left in the block which are not currently zoned C-6. Your Committee further finds that this rezoning would make the entire block one consistent zoning, and reports the same to Council with the recommendation that the Bill do pass.

Bill No. 6801, 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 C-6 District those certain parcels of land at 1713, 1715 and 1717 Bigley Avenue, 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 to a C-6 District the whole of the following described property:

Parcels 268, 270, 271, 272, 273, 274, 275, and 276 as shown on West Charleston Tax Map No. 29. Said parcels are commonly known as 1713, 1715, and 1717 Bigley Avenue, Charleston, Kanawha County, West Virginia. Said tax map is of record in the Kanawha County Assessor's Office

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 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-0, absent-3, as follows:

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

NAYS: None.

ABSENT: Fouty-Young, David Lanham, and Talkington.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 6801 passed unanimously.

3. Your Committee on Planning has had under consideration Woodberry Lane Street Re-naming, attached hereto and made a part hereof. Your Committee finds that the re-naming would end the confusion with mail delivery on this private street, and reports the same to Council with the recommendation that the street re-naming be accepted.

The question being on the approval of the street re-naming a vote was taken. There being no dissent the Mayor declared Woodberry Lane street re-naming approved unanimously.

4. Your Committee on Planning has had under consideration request of W. R. Brown to dedicate Jordan Place as a street, and reports the same to Council with the recommendation this item be laid over until September 17th Council meeting.

Councilwoman Davis made a motion to lay Jordan Place street dedication over until the September 17, 2001 meeting of Council.

The question being on the approval of the motion a vote was taken. There being no dissent the Mayor declared Jordan Place street dedication laid over until September 17, 2001 meeting of Council.

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. 806-01, and reports the same to Council with the recommendation that the Resolution be adopted.

Resolution No. 806-01—"Authorizing the Finance Director to make a refund to Corotoman, Inc., in the amount of \$16,273.97, for overpayment of B&O taxes for the year 1999-2000. The Ticketmaster building, owned by Corotoman, Inc., was erroneously reported as sold and in turn the accounting

manager for the company paid B&O taxes on a non-existent sale. Therefore, the Company is requesting a refund on B&O taxes paid.”

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

That the Finance Director is hereby authorized and directed to make a refund to Corotoman, Inc., in the amount of Sixteen Thousand Two Hundred Seventy-three Dollars and Ninety-seven Cents (\$16,273.97), for overpayment of B&O taxes for the year 1999-2000. The Ticketmaster building, owned by Corotoman, Inc., was erroneously reported as sold and in turn the accounting manager for the company paid B&O taxes on a non-existent sale. Therefore, the Company is requesting a refund on B&O taxes paid.

To be charged to Account No. 01-305-00-0012, B&O Tax, Prior Year

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 806-01 adopted unanimously.

2. Your Committee on Finance has had under consideration Resolution No. 831-01, and reports the same to Council with the recommendation that the Resolution be adopted.

Resolution No. 831-01—“Authorizing the Finance Director to amend the 2000 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 2000 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 2000-2001 CDBG BUDGETS

<u>Account Number</u>	<u>Description</u>	<u>Increase/Decrease</u>
25-000-00-199	Un-programed Funds	(100,000)
25-001-00-029	McKee Avenue Slip	100,000

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-24, nays-0, absent-3, as follows:

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

NAYS: None.

ABSENT: Fouty-Young, David Lanham, and Talkington.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 831-01 adopted unanimously.

3. Your Committee on Finance has had under consideration Resolution No. 832-01, and reports the same to Council with the recommendation that the Resolution be adopted.

Resolution No. 832-01—“Authorizing the Finance Director to allocate funds in the amount of \$4,500 from Account No. 25-099-00-014 for residential rehabilitation of a West Side dwelling.”

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 Four Thousand Five Hundred Dollars (\$4,500) from Account No. 25-099-00-014 for residential rehabilitation of a West Side dwelling.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-24, nays-0, absent-3, as follows:

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

NAYS: None.

ABSENT: Fouty-Young, David Lanham, and Talkington.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 832-01 adopted unanimously.

4. Your Committee on Finance has had under consideration Resolution No. 833-01, and reports the same to Council with the recommendation that the Resolution be adopted.

Resolution No. 833-01—“Authorizing the Mayor to accept a Hazard Mitigation Grant, in the amount of \$422,897, for acquisition of six (6) structures located in a flood-prone area along Kanawha Two Mile Creek. The structures are to be demolished and the land converted to open space with deed restrictions banning future habitable structures on the properties.”

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

That the Mayor is hereby authorized and directed to accept a Hazard Mitigation Grant, in the amount of Four Hundred Twenty-two Thousand Eight Hundred Ninety-seven Dollars (\$422,897), for acquisition of six (6) structures located in a flood-prone area along Kanawha Two Mile Creek. The structures are to be demolished and the land converted to open space with deed restrictions banning future habitable structures on the properties.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the

Mayor declared Resolution No. 833-01 adopted unanimously.

5. Your Committee on Finance has had under consideration Resolution No. 834, 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 on the last page by deleting the words “Eden Systems” after the words “of upgraded and expanded” and before the word “software”.

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. 834-01, as amended—“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 the funds for which no appropriation or insufficient appropriation currently exists.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-24, nays-0, absent-3, as follows:

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

NAYS: None.

ABSENT: Fouty-Young, David Lanham, and Talkington.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 834-01, as amended, adopted unanimously.

6. Your Committee on Finance has had under consideration Resolution No. 835-01, and reports the same to Council with the recommendation that the Resolution be adopted.

Resolution No. 835-01—“Authorizing the assignment of a Lease between the City of Charleston and Lance Shaner Hotel Limited Partnership, to Shaner Hotel Group Properties Three Limited Partnership and authorizing the Mayor to execute the Lessor Consent to assignment, the Notice of Leasehold Mortgage and Landlord’s Estoppel Certificate.”

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

That the City consents to the assignment of the Lease between the City of Charleston and Lance Shaner Limited Partnership to Shaner Hotel Group Properties Three Limited Partnership and acknowledges that Lance Shaner Limited Partnership provided a copy of the instruments of Assignment to the City in compliance with the Lease terms and requirements. The Mayor is hereby authorized to execute the Lessor Consent to Assignment, the Notice of Leasehold Mortgage and Landlord’s Estoppel Certificate.

The question being on the adoption of the Resolution a vote was taken. There being no dissent, with Loeb and Prunty abstaining, the Mayor declared Resolution No. 835-01 adopted unanimously.

7. Your Committee on Finance has had under consideration bid submitted by B&B Manufacturing, in the amount of \$5,702.76, plus freight of \$293.30, for a total of \$5,996.06, for purchase of items required for grave set-up at Spring Hill Cemetery; To be charged to Account No. 01-952-0-0-4-059, Spring Hill Cemetery—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.

8. Your Committee on Finance has had under consideration proposal submitted by Contech Construction Products, in the total amount of \$22,757.59, for purchase of pipe and related materials for the Street Department to replace pipe on Palm Drive, subject to no adverse comments being received by MOECD during the 30-day comment period for a budget revision to fund this project (\$17,574.44); materials to reimburse the WV Department of Highways for an emergency storm water pipe at 334

Wertz Avenue; and at 1407 and 1409 Alexandria Place (\$5,183.15); To be charged to the following accounts:

\$17,574.44 - 25-097-00-048, CDBG–Water/Sewer Facilities, Palm Drive

\$ 5,183.15 - 01-750-0-0-3-041, Street–Materials & Supplies

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

The question being on the adoption of the committee report a roll call was taken and there were; yeas-24, nays-0, absent-3, as follows:

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

NAYS: None.

ABSENT: Fouty-Young, David Lanham, and Talkington.

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

9. Your Committee on Finance has had under consideration proposal submitted by Royal Oldsmobile, in the amount of \$2,163.67, to repair the right side of the 1999 GMC passenger van used by the Parks & Recreation Department; To be charged to Account No. 01-754-0-0-2-016, Equipment Maintenance–Maintenance and Repair, 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.

10. Your Committee on Finance has had under consideration bid submitted by Technology Solutions, in the amount of \$48,579, for purchase of two (2) Dell Servers (\$36,180), and software for one server (\$12,399), to provide for existing equipment to interface with the Police Records Management System; To be charged to Account No. 39-178-98-0-0-59, Police AFIS Grant–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.

11. Your Committee on Finance has had under consideration proposal submitted by CMI Incorporated, Inc., in the amount of \$2,695, for purchase of ten (10) Intoxilyzers (alcohol breath testing device) for use by the Kanawha Count Sheriff's Department; To be charged to Account No. 39-175-00-3-0-38, 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.

12. Your Committee on Finance has had under consideration bid submitted by New Shanklin Greenhouse, in the amount of \$2,922.50, for purchase of 6012 Pansy Plants to be planted by the Public Grounds Department at various locations throughout the City; To be charged to Account No. 01-567-0-0-3-041, Public Grounds–Materials & Supplies, and reports the same to Council with the recommendation that the committee report be adopted.

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

13. Your Committee on Finance has had under consideration bid submitted by DeVroomen Bulb Co., in the amount of \$4,656.75, for purchase of Fall Planting Bulbs (29,030 various tulip bulbs; 112 daffodil and narcissus bulbs) to be planted by the Public Grounds Department at various locations throughout the City; To be charged to Account No. 01-567-0-0-3-041, Public Grounds–Materials & Supplies, and reports the same to Council with the recommendation that the committee report be adopted.

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

14. Your Committee on Finance has had under consideration payment of an invoice from WV Municipal League, in the amount of \$10,025.23, for the City's 2001-2002 membership dues; To be charged to Account No. 01-412-0-0-2-022, City Manager–Dues & Subscriptions, 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.

15. Your Committee on Finance has had under consideration payment of an invoice from Elco Mechanical Contractors, in the amount of \$2,880, for labor and materials to replace the condensing unit serving the City Collector's Office; To be charged to Account No. 01-440-0-0-2-016, Building Maintenance–Maintenance and Repair, 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.

16. Your Committee on Finance has had under consideration payment of an invoice from Commercial Insurance Services, Inc., in the amount of \$4,460.16, for a Storage Tank Pollution Policy covering six (6) fuel storage tanks (three at Fire Station No. 2, 808 Virginia Street, West, and three at the Public Works Facility, 1100-B Pennsylvania Avenue); To be charged to Account No. 01-412-0-0-2-027, City Manager–Insurance, and reports the same to Council with the recommendation that the committee report be adopted.

The question being on the adoption of the committee report a vote was taken. There being no

dissent the Mayor declared the committee report adopted unanimously.

17. Your Committee on Finance has had under consideration payment of an invoice from Nitro Police Department, in the amount of \$3,595.35, for reimbursement of overtime incurred by police officers during seat belt patrols and checkpoints for the period September 15, 2000 to August 15, 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.

18. Your Committee on Finance has had under consideration payment of an invoice from International Association of Chiefs of Police (IACP), in the amount of \$8,000, for the administration, evaluation and certification of the biennial police officer promotional examinations; To be charged to Account No. 01-700-0-0-2-023, Police–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 unanimously.

19. Your Committee on Finance has had under consideration payment of an invoice from Maryland Institute of Criminal Justice, in the amount of \$4,000, covering tuition for Sgt. Brent Webster to attend polygraph training; To be charged to Account No. 01-700-0-0-2-030, Police–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 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 Ramada Plaza City Center Hotel, in the amount of \$3,253.23, for conference rooms and costs associated with conducting a Child Passenger Seat Technician training class in Wheeling, WV from June 25 through June 29, 2001; To be charged to Account No. 39-175-00-4-0-14, 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 Visionair, in the amount of \$3,600, for training associated with the Vision Software Police Records Management System; To be charged to Account No. 19-019-0-0-2-21, Police–Local Law Enforcement Block Grant - 99, 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 Computer Store, in the amount of \$2,379, for one (1) color laser printer to be used by the Mayor's Office of Economic and Community Development; To be charged to Account No. 25-000-00-001, CDBG-Administration, 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-24, nays-0, absent-3, as follows:

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

NAYS: None.

ABSENT: Fouty-Young, David Lanham, and Talkington.

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 payment of an invoice from Religious Coalition for Community Renewal, in the amount of \$4,739.57, for operational, maintenance, and utility expenses for Smith Street Station; To be charged to Account No. 25-001-00-011, CDBG-Public Services, and reports the same to Council with the recommendation that the committee report be adopted.

The question being on the adoption of the committee report a roll call was taken and there were; yeas-23, nays-0, absent-3, abstentions-1, as follows:

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

NAYS: None.

ABSENT: Fouty-Young, David Lanham, and Talkington.

ABSTAIN: Kimberling.

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

REPORTS OF OFFICERS

None.

NEW BILLS INTRODUCED

UNFINISHED BUSINESS

Councilman Roller made a motion for the committee report, laid over in the August 20, 2001 meeting of Council, relating to payment of an invoice from Big Brothers Big Sisters, in the amount of \$4,965, for purchase of three (3) computers; To be charged to Account No. 25-001-00-011, CDBG– Public Services, Big Brothers Big Sisters be removed from the table.

The question being on the approval of the motion a vote was taken. There being no dissent the Mayor declared the committee report on the floor for discussion.

The question being on the adoption of the committee report a roll call was taken and there were; yeas-14, nays-10, absent-3, as follows:

YEAS: Charnock, Crickenberger, Davis, Haas, Kimberling, Knauff, Lane, Loeb, Molgaard, Nielsen, Prunty, Reishman, Roller, and Mayor Goldman.

NAYS: Harris, Henry, Jones, James Lanham, Lopez, Markham, McKnight, Morton, Pettry, and Quick.

ABSENT: Fouty-Young, David Lanham, and Talkington.

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

Mayor Goldman reminded Council a meeting regarding the Boulevard Walkway would be held at 6:00 p.m., on Monday, September 10, 2001, at the North Charleston Recreation Center.

67890-

ROLL CALL

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

YEAS: Charnock, Crickenberger, Davis, Haas, Harris, Henry, Jones, Kimberling, Knauff, Lane, James Lanham, Loeb, Lopez, Markham, McKnight, Molgaard, Morton,

Nielsen, Pettry, Prunty, Quick, Reishman, Roller, and Mayor Goldman.
ABSENT: Fouty-Young, David Lanham, and Talkington.

At 7:45 p.m., on motion of Councilman Loeb, Council adjourned until 7:00 p.m., Monday, September 17, 2001.

Jay Goldman, Honorable Mayor

James M. Reishman, City Clerk