

JOURNAL

OF THE

COUNCIL

CITY OF CHARLESTON

WEST VIRGINIA

APRIL 1, 2002

THE COUNCIL MET IN CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE FIRST MEETING IN THE MONTH OF APRIL ON THE 1ST DAY, IN THE YEAR 2002, AND WAS CALLED TO ORDER BY THE HONORABLE MAYOR, JAY GOLDMAN. THE INVOCATION WAS DELIVERED BY HENRY KNAUFF, AND THE PLEDGE OF ALLEGIANCE WAS LEAD BY EVAN DAVIS.

THE CLERK CALLED THE ROLL AND THE FOLLOWING MEMBERS ANSWERED TO THEIR NAMES:

| | | |
|----------------------|---------------------|-------------------------|
| CHARNOCK | DAVIS | BETH FOUTY-YOUNG |
| HAAS | TALKINGTON | HARRIS |
| JONES | KIMBERLING | KNAUFF |
| LANE | DAVID LANHAM | JAMES LANHAM |
| LOEB | LOPEZ | MARKHAM |
| MCKNIGHT | MOLGAARD | BETTY MORTON |
| NIELSEN | PRUNTY | QUICK |
| REISHMAN | ROLLER | CRICKENBERGER |
| MAYOR GOLDMAN | | |

TWENTY-FIVE MEMBERS BEING PRESENT, THE MAYOR DECLARED A QUORUM.

PENDING THE READING OF THE JOURNAL OF THE PREVIOUS MEETING, THE READING THEREOF WAS DISPENSED WITH AND THE SAME DULY APPROVED.

**APRIL 1, 2002, FIRST MEETING
CHARLESTON CITY COUNCIL JOURNAL APRIL 1, 2002**

PUBLIC SPEAKERS

1. Judy Dillion.
2. Bill Ellis.
3. Chris Campbell.

CLAIMS

1.A claim of Stephen L. Brown,5332 Edgebrook Drive, Charleston, WV.;alleges damage to property;
Refer to City Solicitor.

COMMUNICATIONS

PROCLAMATIONS

TWO FOLLOWING

MISCELLANEOUS RESOLUTIONS

NONE.

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 Bill No.6884, and reports the same to Council with the recommendation that the bill do pass.

Bill No. 6884, 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 part thereof, being a rezoning from R-8 to C-6 of that certain parcel of land situated at 211, 213 & 215 Wyoming Street and 308, 310 & 312 Ohio 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 R-8 to C-6 the whole of the following described parcel of land:

Parcels 98, 99, 100, 101, 102 and 103 as shown on Charleston West Tax Map No. 26. Subject parcel is commonly known as 211, 213 & 215 Wyoming Street and 308, 310 & 312 Ohio Avenue, Charleston, West Virginia. Said map is of record in the Planning Office.

2. The Zoning Map, attached to a made part of said Zoning Ordinance, is hereby amended in accordance with Section 1 of this ordinance.
3. All prior ordinances, or parts of ordinance, 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-24, nays-0,

absent-2, abstain-1, as follows:

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

NAYS: None.

ABSENT: Pettry, Henry.

ABSTAIN: Charnock.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 6884 passed unanimously.

FINANCE

Councilman Larry Roller, Chairman of the Council Committee on Finance, submitted the following reports.

1. Your Committee on Finance has had under consideration Resolution No.950-02, and reports the same to Council with the recommendation that the Resolution be adopted.

Resolution No. 950-02, Authorizing the Mayor to sign Amendment No. 5 to the Lease Agreement with Real Estate Resources, Inc., extending the lease for office space at 110 W. Washington Street for an additional six-month period from March 1, 2002 to August 31, 2002. This space is utilized by the Community Policing Unit of the Charleston Police Department and is leased without charge.@

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

That the Mayor is hereby authorized and directed to sign Amendment No. 5 to the Lease Agreement with Real Estate Resources, Inc., extending the lease for office space at 110 W. Washington Street for an additional six-month period from March 1, 2002 to August 31, 2002. This space is utilized by the Community Policing Unit of the Charleston Police Department and is leased without charge.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No.950-02 adopted unanimously.

2. Your Committee on Finance has had under consideration Resolution No. 951-02, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 951-02, Authorizing the Mayor to enter into an Agreement with THP Limited, Inc., in the amount of \$32,000, for engineering services in connection with repairs to Municipal Parking Building No. 1, located at Virginia, Quarrier and McFarland Streets, and Municipal Parking Building No. 2, located at Washington and Summers Streets.@

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 THP Limited, Inc., in the amount of Thirty-two Thousand Dollars (\$32, 000), for engineering services in connection with repairs to Municipal Parking Building No. 1, located at Virginia, Quarrier and McFarland Streest, and Municipal Parking Building No. 2, located at Washington and Summers Streets.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No.951-02 adopted unanimously.

3. Your Committee on Finance has had under consideration Resolution No. 952-02, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 952-02, AAuthorizing the Mayor to enter into a contract with Asbestos Consulting, Inc., for asbestos abatement of structures slated for demolition, at a cost based on the square footage price of \$3.00 per square foot. This contract is for the period April 1, 2002 to March 31, 2003.@

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 Asbestos Consulting, Inc., for asbestos abatement of structures slated for demolition, at a cost based on the square footage price of Three Dollars (\$3.00) per square foot. This contract is for the period April 1, 2002 to March 31, 2003.

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

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

NAYS: None.

ABSENT: Henry Pettry.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No.952-02 passed unanimously.

4. Your Committee on Finance has had under consideration Resolution No. 953-02, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 953-02, AAuthorizing the Mayor to enter into a contract with Apex Demolition Company providing for demolition of designated structures throughout the City at the rate of \$1.13 per square foot. This contract is for the period April 1, 2002 to March 31, 2003.@

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 Apex Demolition Company providing for demolition of designated structures throughout the City at the rate of One Dollar Thirteen Cents (\$1.13) per square foot. This contract is for the period April 1, 2002 to March 31, 2003.@

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

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

NAYS: None.

ABSENT: Henry Pettry.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No.953-02 passed unanimously.

5. Your Committee on Finance has had under consideration Resolution No. 954-02, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 954-02, AAuthorizing the Mayor to enter into a contract with American Electric Power Company to provide and maintain a street lighting system within the City of Charleston at rates on file with the Public Service Commission of West Virginia. This contract is for a ten year period beginning March 11, 2002 and ending March 11, 2012, and includes the removal of the Kanawha Boulevard lights.@

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 American Electric Power Company to provide and maintain a street lighting system within the City of Charleston at rates on file with the Public Service Commission of West Virginia. This contract is for a ten year period beginning March 11, 2002 and ending March 11, 2012, and includes the removal of the Kanawha Boulevard lights.@

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No.954-02 adopted unanimously.

6. Your Committee on Finance has had under consideration Resolution No. 955-02, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 955-02, AAuthorizing the Mayor to enter into a contract with American Electric Power

Company to provide maintenance for certain street and highway lighting equipment within the City of Charleston at rates on file with the Public Service Commission of West Virginia. This contract is for a ten year period beginning March 11, 2002 and ending March 11, 2012, and includes the removal of the Kanawha Boulevard lights.@

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 American Electric Power Company to provide maintenance for certain street and highway lighting equipment within the City of Charleston at rates on file with the Public Service Commission of West Virginia. This contract is for a ten year period beginning March 11, 2002 and ending March 11, 2012, and includes the removal of the Kanawha Boulevard lights.@

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No.955-02 adopted unanimously.

7. Your Committee on Finance has had under consideration Resolution No. 956-02, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 956-02, AAuthorizing the Mayor to enter into a contract with Black Box Network Services, in the amount of \$81,453. For purchase and installation of a PBX Telephone System at the Charleston Civic Center.@

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 Black Box Network Services, in the amount of Eighty-one Thousand Four Hundred Fifty-three Dollars (\$81,453), for purchase and installation of a PBX Telephone System at the Charleston Civic Center.@

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No.956-02 adopted unanimously.

8. Your Committee on Finance has had under consideration Resolution No. 957-02, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 957-02, AAuthorizing the Mayor to enter into a contract with Ntelos, in the amount of \$1,508.64 per month for three years, for two Primary Rate Interface Circuits (PRI), to serve the Charleston Civic Center's PBX System.@

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 Ntelos, in the amount of One Thousand Five Hundred Eight Dollars and Sixty- Four Cents (\$1,508.64) per month for three

years, for two Primary Rate Interface Circuits (PRI), to serve the Charleston Civic Center's PBX System, with the provision that the City have a right to terminate the contract at each one year anniversary date.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No.957-02 adopted unanimously.

9. Your Committee on Finance has had under consideration Resolution No. 958-02, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 958-02, Authorizing the Mayor to sign Change Order No. 2 with Brown Electric, in the amount of \$6,643.52, for addition of electrical changes required to the Little Theater lighting as it relates to the fire alarm system in 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. 2 with Brown Electric, in the amount of Six Thousand Six Hundred Forty-three Dollars and Fifty-two Cents (\$6,643.52), for addition of electrical changes required to the Little Theater lighting as it relates to the fire alarm system in the Civic Center Renovations Project-Phase II. The change order increases the contract price from \$298,391 to \$305,034.52.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No.958-02 adopted unanimously.

10. Your Committee on Finance has had under consideration Resolution No. 959-02, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 959-02, Authorizing the Mayor to submit applications for the 2002 West Virginia Homeless Shelters Program (WVHSP), in the amount of \$125,000, to provide operating expenses, essential services, and capital improvements for the following agencies: YWCA/Sojourner's, YWCA/Resolve Family Abuse, Daymark, Covenant House, Roark Sullivan Lifeway Center, and RCCR/Samaritan Inn shelters (see attachment); and further authorizing the Mayor to sign the required agreements with the respective agencies.@

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

That the Mayor is hereby authorized and directed to submit applications for the 2002 West Virginia Homeless Shelters Program (WVHSP), in the amount of One Hundred Twenty-five Thousand Dollars (\$125,000), to provide operating expenses, essential services, and capital improvements for the following agencies: YWCA/Sojourner's, YWCA/Resolve Family Abuse, Daymark, Covenant House, Roark Sullivan Lifeway Center, and RCCR/Samaritan Inn shelters (see attachment); and further

authorizing the Mayor to sign the required agreements with the respective agencies.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-24, nays-0, absent-2,abstain-1 as follows:

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

NAYS: None.

ABSENT: Henry Pettry.

ABSTAIN: Molgaard.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No.959-02 passed unanimously.

11. Your Committee on Finance has had under consideration Resolution No. 960-02, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 960-02, AAuthorizing the Finance Director to allocate funds in the total amount of \$130,535.62 for the rehabilitation of five projects, three on the east end and two on the west side of Charleston.@

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

That the Finance Director is hereby authorized and directed to allocate funds in the total amount of One Hundred Thirty Thousand Five Hundred Thirty-five Dollars and Sixty-two Cents (\$130,535.62), for the rehabilitation of five projects, three on the east end and two on the west side of Charleston.

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

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

NAYS: None.

ABSENT: Henry Pettry.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No.960-02 passed unanimously.

12. Your Committee on Finance has had under consideration Resolution No. 963-02, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 963-02, AAuthorizing 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 obligations of 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-25, nays-0, absent-2, as follows:

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

NAYS: None.

ABSENT: Henry Pettry.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No.963-02 passed unanimously.

13. Your Committee on Finance has had under consideration Resolution No. 964-02, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 964-02, Authorizing the Mayor to enter into a contract with an appropriate architectural firm in an amount not to exceed \$20,000, for conceptual architectural services to draw up preliminary designs for a ballpark.

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 an appropriate architectural firm in an amount not to exceed Twenty Thousand Dollars (\$20,000), for conceptual architectural services to draw up preliminary designs for a ballpark.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No.964-02 adopted unanimously.

14. Your Committee on Finance has had under consideration a proposal submitted by Dell, in the amount of \$6,945, for purchase of five PCs (\$6,240) and two monitors (\$705); and the bid submitted by A&K Merchandise, in the amount of \$1,840, for one Laptop, for a grand total of \$8,785. The units will be installed in various City department. To be charged to Account No. 01-439-0-0-4-059, Information Systems - Capital Outlay, Equipment.

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

15. Your Committee on Finance has had under consideration Bill No. 6896, and reports the same to Council with the recommendation that the Bill do pass.

Bill No. 6896, A Bill authorizing the City to donate property located at 143 Wertz Avenue, other wise known as Riverview Recreational Center, to the People of United for More Progress, Inc., (hereinafter APUMP@).

WHEREAS, the City acquired the property located at 143 Wertz Avenue on September 10, 1969, from the Kanawha County Board of Education and has been using said property as a Recreational Center, but no longer wishes to use said property for this purpose.

WHEREAS, the Parks & Recreation Committee of the City of Charleston desires to donate this property to PUMP, a non-profit corporation, chartered under the laws of West Virginia upon the condition that should PUMP cease using the property for its stated public purposes, or should PUMP loose its status as a 503 (c) tax exempt entity under the Internal Revenue Code, said property would revert and vest in the City of Charleston and PUMP would thereafter have no interest, right, or title therein.

WHEREAS, PUMP desires to acquire this property for the purpose of making available to the general public facilities for the appreciation, advancement, or enjoyment of cultural and educational activities.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CHARLESTON, WEST VIRGINIA:

That the Mayor of the City of Charleston be and is hereby authorized and directed to execute and acknowledge and deliver a proper deed conveying to PUMP, Inc., all right, title and interest in and to the property located at 143 Wertz Avenue, in the City of Charleston, or otherwise know as Riverview Recreational Center, more particularly described in the attached map depicted as Lots 11, 12, 13, 14, 15, 16, and 17 on said map, subject to the condition that should PUMP cease using the property for its stated public purposes, or should PUMP loose its status as a 503 (c) tax exempt entity under the Internal Revenue Code, that said property would revert to and vest in the City of Charleston and PUMP would thereafter have no interest, right or title therein.

The question being on the passage of the Bill a roll call was taken and there were; yeas-24, nays-0, absent-2, abstain-1, as follows:

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

NAYS: None.

ABSENT: Pettry, Henry.

ABSTAIN: Harris.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 6896 passed unanimously.

REPORTS OF OFFICERS

NONE.

NEW BILLS INTRODUCED

Introduced by Councilwoman Mary Jean Davis and Mary Jane Lopez , on April 1, 2002:

1. Bill No. 6895, a Bill amending the Zoning Ordinance of the City of Charleston by amending the definition of manufactured structure to include commercial or business uses and creating provisions for manufactured structures for commercial or business uses as a special permit use.

Refer to Municipal Planning Commission.

Introduced by Councilman Henry Knauff, on April 1, 2002:

2. Bill No. 6897, a Bill to establish a NO Parking Anytime Tow-Away zone on the northerly side of Rosalie Drive from Market Street to Jean Street and amending the Traffic Control Map and Traffic Control File, established by the Code of the City of Charleston, West Virginia, one thousand nine hundred seventy-five, as amended, Traffic Law, Chapter thirty-one, Article three, to conform therewith.

Refer to Streets and Traffic Committee.

Introduced by Councilman Charlie Loeb, on April 1, 2002:

3. Bill No. 6898, a Bill to amend the City's workplace anti-discrimination policies by amending Section 2-104, entitled **Adiscrimination@** of the Code of the City of Charleston and by amending Section 1.6, sub parts, 1-4 entitled **Aworkplace violence, harassmtent and discrimination policy@** of the Policy and Procedure Manual for the Charleston Police Department, to modify and unify the City's policies on sexual harassment, discrimination and workplace violence.

Refer to Rules and Ordinance Committee.

Introduced by Councilman Larry Roller, on April 1, 2002:

4. Bill No. 6899, a Bill amending section 2-15 of the City Code to change the time of the meeting to approve the levy from 8:00 p.m. to **A a time to be fixed by council@**.

Refer to Finance Committee.

UNFINISHED OR MISCELLANEOUS BUSINESS

NONE.

ROLL CALL

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

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

ABSENT: Pettry, Henry.

At 8:20 p.m., on motion of Councilman Loeb, Council adjourned until 7:00 p.m., Monday, April 15, 2002.

Jay Goldman, Honorable Mayor

James M. Reishman, City Clerk