

JOURNAL

OF THE

COUNCIL

CITY OF CHARLESTON

WEST VIRGINIA

DECEMBER 16, 2002

THE COUNCIL MET IN CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE SECOND MEETING IN THE MONTH OF DECEMBER ON THE 16TH DAY, IN THE YEAR 2002, AND WAS CALLED TO ORDER BY THE HONORABLE MAYOR, JAY GOLDMAN, AT 7:00 P.M. THE INVOCATION WAS DELIVERED BY BILL KIMBERLING, AND THE PLEDGE OF ALLEGIANCE WAS LEAD BY DAVID LANHAM.

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

**CHARNOCK
FOUTY-YOUNG
JONES
LANE
LOEB
MCKNIGHT
NIELSEN
QUICK
TALKINGTON**

**CRICKENBERGER
HAAS
KIMBERLING
JAMES LANHAM
LOPEZ

PETTRY
REISHMAN
WEINTRAUB**

**DAVIS
HARRIS
KNAUFF
DAVID LANHAM
MARKHAM
MORTON
PRUNTY
ROLLER
MAYOR GOLDMAN**

TWENTY-SIX 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.

DECEMBER 16, 2002, SECOND MEETING

CHARLESTON CITY COUNCIL JOURNAL DECEMBER 16, 2002

PUBLIC SPEAKERS

1. NONE

The Mayor announced at the 2002 Conference Partnership Awards the City of Charleston was nominated for the Emergency Management Office. The Mayor presented Mark Wolford, the Director of Emergency Services this award.

PUBLIC HEARING

AFTER DULY BEING PUBLISHED AS REQUIRED, I NOW DECLARE THE FLOOR OPEN FOR A PUBLIC HEARING ON BILL NO. 6953, A BILL FIXING THE NUMBER OF WARDS IN THE CITY OF CHARLESTON; FIXING THE NUMBER OF PERSONS TO BE ELECTED FROM SUCH WARDS; AND FIXING THE BOUNDARIES OF SUCH WARDS.

THE CHAIR SEES NO ONE FROM THE PUBLIC.

THE CHAIR HEARS NO ONE FROM THE PUBLIC.

THE CHAIR DECLARES PUBLIC HEARING ON

BILL NO. 6953, CLOSED.

CLAIMS

1. A claim of Carolyn S. Powell, 1205 9th St., Apt. 108, Vienna, WV. Alleges personal injury; Refer to City Solicitor.

COMMUNICATIONS

TO: James Reishman
City Clerk

FROM: Jay Goldman
Mayor

RE: Board of Zoning Appeals

DATE: December 3, 2002

I am recommending that Troy Giatras, #8 Capitol Street, Charleston, WV 25301 be reappointed to the Board of Zoning Appeals. Said term will expire on January 1, 2006.

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

JG/kk

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

TO: James Reishman
City Clerk

FROM: Jay Goldman
Mayor

RE: Charleston Housing Authority

DATE: December 3, 2002

I am informing City Council that I have re-appointed Ms. Katherine L. Dooley, P.O. Box 11270, Charleston, WV 25339 to the Charleston Housing Authority. Ms. Dooley's term will expire December 10, 2007.

I respectfully request that you forward this information to City Council.

RESOLUTION NO. 135-02

INTRODUCED IN COUNCIL:

December 16, 2002

PASSED BY COUNCIL:

December 16, 2002

INTRODUCED BY:

Lind Nielsen

REFERRED TO:

Environment and Recycling

WHEREAS, for over thirty years bottle bills have been extremely effective at achieving their economic, social and environmental goals. The 10 states with deposit laws recycle more containers than all the other 40 states combined, and;

WHEREAS, citizens from across the state are concerned about litter on our highways and in our neighborhoods, and;

WHEREAS, West Virginia has limited landfill capacities and new landfill construction is increasingly cost prohibitive. Container laws divert waste from disposal thus reducing solid waste management costs and reducing our need for new landfill construction, and;

WHEREAS, container laws in other states have produced a recycling rate of up to 80% for glass, aluminum and plastic containers, thus dramatically reducing litter in communities and on their highways, and;

WHEREAS, container laws place the burden of recycling on the consumer and the bottler instead of the community and its taxpayers, and;

WHEREAS, states with deposit laws have higher participation rates in residential recycling than those of non-deposit states, and;

WHEREAS, recycling and source reduction are the major components of the West Virginia Recycling Act, which mandates recycling goals of 30% by January 1, 2000 and 50% by January 1, 2010. Based on published reports for the 10 bottle bill states, West Virginia's beverage container recovery rate would increase between 50% and 75% with the adoption of a Beverage Container Law, and;

WHEREAS, a West Virginia Beverage Container Deposit Law would result in local economic development through the establishment of redemption centers, creating jobs in the private sector, including employment for those with disabilities.

WHEREAS, the Environment and Recycling Committee of Council has reviewed this

Resolution and supports a West Virginia container law as being in the best interest of the City of Charleston.

THEREFORE BE IT RESOLVED, that the City of Charleston fully supports a statewide container law for West Virginia where consumers would pay a deposit on containers that is refunded when the consumer returns them and directs the City Clerks office to mail copies of this resolution to Governor Bob Wise, State Legislators, Senate President Earl Ray Tomblin and House Speaker Robert Kiss.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 135-02, adopted unanimously.

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

Dear Mayor Goldman and Councilmember's:

On December 4, 2002, the Municipal Planning Commission held public hearings and its regular monthly meeting. The following cases were heard by the Commission:

Bill No. 6944 – Petition of G. Patrick Jacobs, on behalf of George and Jean Pozega, to close, discontinue and abandon the unimproved section of Somerset Drive that extends from Highland Road to Forest Drive as shown on West Charleston Tax District Map 5 between Parcels 217, 218m and 245. The Commission recommended passage of the bill.

Bill No. 6945 – Petition of Kenneth McKnight to amend the Zoning Ordinance of the City of Charleston by deleting barbershops, beauty parlors, manicure and pedicure shops as allowable Level2 permit home-based businesses. The Commission recommended that the bill be rejected.

Bill No. 6950 – Petition of the Municipal Planning Commission to amend the Zoning Ordinance of the City of Charleston by creating “Group recreational or sports facility, commercial” as a special permit use in all residential districts and establishing spacing provisions and performance standards for commercial group recreational or sports facilities. The Commission recommended that the bill do pass.

The cases should be referred to the Planning Committee of Council

Sincerely
Municipal Planning Commission

Phyllis While, Administrative Assistant

The Mayor referred the Cases to the Planning Committee of Council.

MISCELLANEOUS RESOLUTIONS

None.

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. 6943, attached hereto and made a part hereof, and reports the same to Council with the recommendation that the Bill do pass.

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, be rezoning from I-2 to C-10, that certain parcel of land situated at 3112 Chesterfield Ave., S.E. Charleston, West Virginia 25304.

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 I-2 to C-10 district the whole of the following described parcel of land:

Parcel 126 as shown on Kanawha City Tax Map No. 19
Subject parcel commonly known as 3112 Chesterfield Ave., S.E.
Charleston, West Virginia 25304. Said tax map is of record in the
Planning 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 ordinance, inconsistent with this ordinance are hereby appealed to the extent of such inconsistency.

The question being on the adoption of the Bill a roll call was taken and there were; yeas-26, nays-0, absent-1, as follows:

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

NAYS: None.
ABSENT: Molgaard.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the Bill No. 6943 adopted.

2. Your Committee on Planning has had under consideration Special Permit No. 1091, attached hereto and made a part hereof, and reports the same to Council with the recommendation that 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 1091, approved.

STREETS AND TRAFFIC

Councilwoman Beth Fouty Young, Chairman of the Council Committee on Streets and Traffic, submitted the following reports.

1. Your Committee on Streets and traffic has had under consideration Bill No. 6951, and reports the same to Council with the recommendation that the bill do pass.

Bill No. 6951 – a Bill to establish a **No Parking Anytime Tow-Away** zone on the easterly side of Mary Street from Crescent Road to Piccadilly 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.

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

Section 1. A **No Parking Anytime Tow-Away** zone on the easterly side of Mary Street from Crescent Road to Piccadilly Street is hereby established.

Section 2. 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, shall be and hereby are amended, to conform to this Ordinance.

The question being on the adoption of the Bill a roll call was taken and there were; yeas-26, nays-0, absent-1, as follows:

YEAS: Charnock, Crickenberger, Davis, Haas, Harris, Jones, Knauff, Lane, James Lanham, Lopez, Kimberling, Loeb, Markham, McKnight, Morton, Nielsen, Pettry, Quick, Reishman, Roller, Talkington, David Lanham, Fouty-Young, Prunty, Weintraub, and Mayor Goldman.
NAYS: None.

ABSENT: Molgaard.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the Bill No. 6951 adopted.

2. Your Committee on Streets and Traffic has had under consideration Bill No. 6954, as amended, and reports the same to Council with the recommendation that the bill be passed as amended.

Bill No. 6954, as amended – a Bill to establish a **20 Mile Per Hour** speed limit zone on Rosewood Road 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.

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

Section 1. A **20 Mile Per Hour** speed limit zone on Rosewood Road is hereby established.

Section 2. The Traffic Control Map and the 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, shall be and hereby are amended, to conform to this Ordinance.

The question being on the adoption of the Bill a roll call was taken and there were; yeas-26, nays-0, absent-1, as follows:

YEAS: Charnock, Crickenberger, Davis, Haas, Harris, Jones, Knauff, Lane, James Lanham, Lopez, Kimberling, Loeb, Markham, McKnight, Morton, Nielsen, Pettry, Quick, Reishman, Roller, Talkington, David Lanham, Fouty-Young, Prunty, Weintraub, and Mayor Goldman.
NAYS: None.

ABSENT: Molgaard.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the Bill No. 6954, as amended, adopted.

3. Your Committee on Streets and traffic has had under consideration Bill No. 6955, and reports the same to Council with the recommendation that the bill do pass.

Bill No. 6955 as amended, – a Bill to establish a **20 Mile Per Hour** speed limit zone on Sierra Road 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.

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

Section 1. A **20 Mile Per Hour** speed limit zone on Sierra Road is hereby established.

Section 2. 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, shall be and hereby are amended, to conform to this Ordinance.

The question being on the adoption of the Bill a roll call was taken and there were; yeas-26, nays-0, absent-1, as follows:

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

NAYS: None.

ABSENT: Molgaard.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the Bill No. 6955 as amended, adopted.

4. Your Committee on Streets and Traffic has had under consideration Bill No. 6956, and reports the same to Council with the recommendation that the bill do pass.

Bill No. 6956 – a Bill to repeal Ordinance No. 6520 passed by Council on September 21, 1998, relating to a two hour parking on the southerly side of Central Avenue from the intersection of Central Avenue and Park Avenue to a point 173 feet east of the intersection of Central Avenue and Park Avenue 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.

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

Section 1. Ordinance No. 6520 passed by Council on September 21, 1998, relating to a two hour parking on the southerly side of Central Avenue from the intersection of Central Avenue and Park Avenue to a point 173 feet east of the intersection of Central Avenue and Park Avenue is hereby repealed.

Section 2. 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, shall be and hereby are amended, to conform to this Ordinance.

The question being on the adoption of the Bill a roll call was taken and there were; yeas-26,

nays-0, absent-1, as follows:

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

NAYS: None.

ABSENT: Molgaard.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the Bill No. 6956 adopted.

REDISTRICTING COMMITTEE

Your Committee on Redistricting has had under consideration Bill No. 6953, as amended, and reports the same to Council with the recommendation that the Bill do pass.

Bill No. 6953 as amended – a Bill fixing the number of wards in the City of Charleston; fixing the number of persons to be elected from such wards; and fixing the boundaries of such wards.

WHEREAS, the 2000 Census taken under authority of the United States demonstrated that the existing wards of the City of Charleston are disproportionate; and

WHEREAS, Chapter Eight, Article Five, Section Seven of the Code of West Virginia, as amended, authorized the governing body of a municipality to, by ordinance, increase the number of wards; change the boundaries of wards, and increase the number of councilmen to correspond with the number of wards, so that each ward may have equal representation on the governing body, and

WHEREAS, the City of Charleston has considered population as the primary fact in the reapportionment of the wards and keeping the existing precinct line in view of the time limitation involved, and

WHEREAS, the Mayor's Select Committee on Redistricting has considered seven (7) other redistricting proposals and determined that the attached plan, as depicted by the attached map prepared by the City of Charleston Planning Department and the precinct metes and bounds on file in the Kanawha County Clerk's office, has the lowest population deviations of all plans considered; now therefore,

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

Section 1. The City of Charleston shall be divided into the following twenty-one wards, the geographic description of said wards as described on the attached map and the precinct metes and bounds on file in the Kanawha County Clerk's office.

Section 2. Commencing with the Council of the City of Charleston to be elected on the

third Tuesday in May, two thousand three, the Council shall consist of twenty-one wards, one person to be elected from each of the twenty-one wards specified in Section one of this Ordinance, and six persons to be elected at large.

Section 3. That this ordinance supersedes all inconsistent ordinances, resolutions and other laws of the City of Charleston.

The question being on the adoption of the Bill a roll call was taken and there were; yeas-21, nays-5, absent-1, as follows:

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

NAYS: Knauff, Kimberling, Lopez, Markham, Prunty.

ABSENT: Molgaard.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the Bill No. 6956, as amended, adopted.

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. 122-02, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 122-02 – Authorizing the Mayor to enter into a lease agreement with Kanawha Valley Rowing Club, Inc., leasing .92 acres land, known as a portion of Daniel Boone Park and depicted on the attached map, for \$1 per year, which the City of Charleston leases from the State of West Virginia for \$1 per year and hold for a remaining 25 years, under Lease No. 326-0120, such property to be used to build a storage facility for boats and rowing equipment and as an operations base for rowing operations with adjacent property to hold a dock for use by the general public.

WHEREAS, pursuant to West Virginia Code § 8-12-18(c) the property to be leased can be leased for a term not exceeding 50 years for fair and adequate consideration.

WHEREAS, the property will be used by the KVRC, Inc., a public charitable organization, for use of public recreation purposes available to both the general public and members of the club on a non-exclusive basis.

The Clerk of the City of Charleston is hereby directed to publish a Class 1 legal advertisement, a description of the property to be leased along with the time and place of the public hearing, on December 2, 2002, in Council Chambers, City Hall, at 7 p.m., during a regular meeting of Council, on the lease and the general terms thereof, pursuant to West

Virginia Code § 8-12-18 (c).

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

That the Mayor be authorized to enter into a lease agreement with Kanawha Valley Rowing Club Inc., pursuant to the terms set forth above and other terms approved by the City

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 122-02 adopted unanimously.

2. Your Committee on Finance has had under consideration Resolution No. 130-02, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 130-02 – “Authorizing the Finance Director to make revisions to the 2002-2003 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 2002-2003 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 of obligation 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-26, nays-0, absent-1, as follows:

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

NAYS: None.

ABSENT: Molgaard.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 130-02 adopted.

3. Your Committee on Finance has had under consideration Resolution No. 131-02, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 131-02 – “Authorizing the Finance Director to make revisions to the 2002-2003 Parking System 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 2002-2003

Parking System 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.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-26, nays-0, absent-1, as follows:

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

NAYS: None.

ABSENT: Molgaard.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 131-02 adopted.

4. Your Committee on Finance has had under consideration Resolution No. 132-02, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 132-02 – “Authorizing the Mayor to sign Change Order No. 2 with American Electric Power for the Kanawha Boulevard Walkway Project, in the amount of \$212,104.50.”

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 American Electric Power for the Kanawha Boulevard Walkway Project, in the amount of Two Hundred Twelve Thousand One Hundred Four Dollars and Fifty Cents (\$212,104.50), for spare materials (poles, bases, pole caps, arms, fitters, nut covers and lights/\$69,010.40; and, under Phase II of the contract, perform bore drillings instead of trenching to avoid tree roots (\$143,094.10). This change order increases the amount of the contract from \$1,465,781.62 to \$1,677,886.12.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-26, nays-0, absent-1, as follows:

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

NAYS: None.

ABSENT: Molgaard.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 132-02 adopted.

5. Your Committee on Finance has had under consideration Resolution No. 133-02, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 133-02 – “Authorizing the Mayor to enter into a contract with Mountain State Blue Cross-Blue Shield for administration services relating to the City’s healthcare program, for the period July 1, 2003 to June 30, 2005.”

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 Mountain State Blue Cross-Blue Shield for administration services relating to the City’s healthcare program, for the period July 1, 2003 to June 30, 2005.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 133-02 adopted unanimously.

6. Your Committee on Finance has had under consideration Resolution No. 134-02, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 134-02 – “Authorizing the Mayor to enter into an agreement with Kronos, in the amount of \$228,475, for purchase, installation, and training for a time and attendance software program.”

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 Kronos, in the amount of Two Hundred Twenty-eight Thousand Four Hundred Seventy-five Dollars (\$228,475), for purchase, installation, and training for a time and attendance software program.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 134-02 adopted unanimously.

7. Your Committee on Finance has had under consideration a bid submitted by Anderson Equipment Co., in the amount of \$10,800, for purchase of an air compressor to be used by the street Department. To be charged to Account No. 001-977-00-750-4-459. Street –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 a proposal submitted by Stephens Auto Center, in the total amount of \$37,336, for purchase of (1) Dodge Cargo Van (\$16,178); and one (1) Dodge Durango (\$21,158) to be used by the Charleston Fire Department. To be charged to Account No. 001-976-00-706-4-459, Fire –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.

9. Your Committee on Finance has had under consideration a bid submitted by Data 911, in the amount of \$104,339.40, for 18 Mobile Modular Computers (MDTs) for the Charleston Police Department. Twelve (12) of the MDTs will be used in police cruisers and six (6) in Suvs for patrol unit supervisors. To be charged to the following accounts: \$78,254.55 – 095-178-97-976-4-459, Police –Pro Arrest Grant; \$9, 850.97 – 091-976-00-000-4-459, Police—LLEBG 2002; \$16,233.40 – 094-976-00-000-4-459, Police—LLEBG 2001; \$.48 – 093-976-00-000-4-459, Police –LLEBG 2000, 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 a payment of an invoice from West Virginia Department of Transportation, Highways Division, in the amount of \$5,970.27, covering reimbursement costs for tire chains used on City salt trucks. To be charged to Account No. 001-754-00-000-3-343, Equipment Maintenance—Gas, Oil & Tires, 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 a payment of an invoice from New Covenant Community Development, in the amount of \$4,811.57, for reimbursement of operational expenses for the month of October 2002. To be charged to Account No. 009-002-00-011-0-999, 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-26, nays-0, absent-1, as follows:

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

NAYS: None.

ABSENT: Molgaard.

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

12. Your Committee on Finance has had under consideration a payment of an invoice from West Virginia Health Right, Inc., in the amount of \$8,187.72, for reimbursement of medications, dental and medical supplies for the month of November 2002. To be charged to Account No. 009-002-00-011-0-999, 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-26, nays-0, absent-1, as follows:

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

NAYS: None.

ABSENT: Molgaard.

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

13. Your Committee on Finance has had under consideration a payment of an invoice from Hope Community Development Corporation, in the amount of \$10,000, for the Employment Referral Program from February to August 2002. To be charged to Account No. 009-001-00-011-0-999, 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-26, nays-0, absent-1, as follows:

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

NAYS: None.

ABSENT: Molgaard.

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

14. Your Committee on Finance has had under consideration a payment of an invoice from Elco Mechanical Contractors, in the amount of \$12,018.15, for installation of a new gas line at the North Charleston Community Center. To be charges as follows: \$7,959.60 – 009-001-00-059-0-999, CDBG—P&R Facility/NCCC; \$4,058.55 - 009-002-00-059-0-999, CDBG—P&R Facility/NCCC, 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-26, nays-0, absent-1, as follows:

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

NAYS: None.

ABSENT: Molgaard.

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

15. Your Committee on Finance has had under consideration a payment of an invoice from Daniels Law Firm, P.L.L.C, in the amount of \$7,900.00, for professional services rendered during the month of August 2002 relating to the new ball park. To be charged to Account No. 001-417-00-000-2-223, Legal Department –Professional Services, and reports the same to Council with the recommendation that the committee report be adopted.

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

NAYS- Markham

16. Your Committee on Finance has had under consideration a payment of an invoice from Heenan, Althen and Roles, LLP, in the amount of \$5,794.46, for professional services rendered during the month of June 2002. To be charged to Account No. 001-417-00-000-2-223, Legal Department—Professional Services, and reports the same to Council with the recommendation that the committee report be adopted.

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

17. Your Committee on Finance has had under consideration a payment of an invoice from Bowles, Rice, McDavid Graff & Love, PLLC, in the amount of \$6, 881.47, for professional services rendered during the month of October 2002 regarding workers' compensation claims. To be charged to Account No. 001-417-00-000-2-223, Legal Department—Professional Services, and reports the same to Council with the recommendation that the committee report be adopted.

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

ABSTAIN- Loeb, Lane.

REPORTS OF OFFICERS

1. Report of the City of Charleston, Municipal Court Financial Statements; December 2002; Received and Filed.
2. City of Charleston Financial Statements for the Four-Month Period Ended October 31, 2002; Received and Filed.
3. City Treasurer's Report to City Council Month Ending November 2002; Received and Filed.

NEW BILLS INTRODUCED

Introduced by Councilman Larry Roller on December 16, 2002:

Bill No. 6958, A Bill and order determining the necessity for continuance of additional levies for the fiscal years beginning July 1, 2003, July 1, 2004, July 1, 2005, and July 1, 2006, for current general governmental expenses, and providing for submission to the voters within the City of Charleston of the question of a continuance of the additional levy at the primary election to be held on March 11, 2003.

Refer to Finance Committee.

Introduced by Councilman Charlie Loeb on December 16, 2002:

Bill No. 6959, A Bill amending and reenacting section 31-243 of the City Code to delete the limitations of hours worked per day per week for members of the meter patrol.

Refer to Parking Committee, Rules and Ordinance Committee and Finance Committee.

UNFINISHED OR MISCELLANEOUS BUSINESS

Councilman Henry Knauff withdrew Bill No. 6952; therefore the Special Meeting of Council that was to be held on December 19, 2002 was cancelled.