

JOURNAL

OF THE

COUNCIL

CITY OF CHARLESTON

WEST VIRGINIA

January 7, 2002

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

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

CHARNOCK	DAVIS	BETH FOUTY-YOUNG
HAAS	HARRIS	RYAN HENRY
JONES	KIMBERLING	KNAUFF
LANE	DAVID LANHAM	JAMES LANHAM
LOEB	LOPEZ	MARKHAM
MCKNIGHT	MOLGAARD	BETTY MORTON
NIELSEN	PETTRY	PRUNTY
QUICK	REISHMAN	ROLLER
TALKINGTON	BETH FOUTY-YOUNG	
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.

JANUARY 7, 2002, FIRST MEETING

CHARLESTON CITY COUNCIL JOURNAL JANUARY 7, 2002

PUBLIC SPEAKERS

1. NONE

CLAIMS

1. A claim of Theodore W. Heiskell; 299 Sylvan Dr., Delaware, Ohio; alleges damage to vehicle;

2. A claim of David Garbett; Rt. 10 Box 94B, Charleston; alleges damage to property;

3. A claim of Frank Wittaker; 5032 Ohio Street, South Charleston; alleges damage to vehicle;

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. Special Permit No. 1047, application of Taste of Italy, LLC to sell Beer, Wine and Liquor in an Italian Restaurant at 205 Capitol St., Charleston.

The question being on the approval of the special permit a vote was taken. There being no dissent the Mayor declared Special Permit # 1047 approved 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.904-02, and reports the same to Council with the recommendation that the Resolution be adopted.

Resolution No.904-02, “ 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.

The question being on the adoption of the Resolution No. 904-02 a roll call was taken and there were; yeas-25, nays-0, absent-2, as follows:

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

NAYS: None.

ABSENT: Crickenberger and Fouty-Young .

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No.904-02 passed unanimously.

2. Your Committee on Finance has had under consideration Resolution No.905-02, and reports the same to Council with the recommendation that the Resolution be adopted.

Resolution No. 905-02, “ Authorizing the Finance Director to make revisions to the 2001-2002 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 2001-2002 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 No. 905-02 a roll call was taken and there were; yeas-25, nays-0, absent-2, as follows:

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

NAYS: None.

ABSENT: Crickenberger and Fouty-Young .

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 905-02 passed unanimously.

3. Your Committee on Finance has had under consideration Resolution No.906-02, and reports the same to Council with the recommendation that the Resolution be adopted.

Resolution No. 906-02, “ Authorizing the Finance Director to Make revisions to the 2001-2002 Civic Center 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 Civic Center 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 No. 906-02 a roll call was taken and there were; yeas-25, nays-0, absent-2, as follows:

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

NAYS: None.

ABSENT: Crickenberger and Fouty-Young .

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 906-02 passed unanimously.

4. Your Committee on Finance has had under consideration Resolution No.907-02, and reports the same to Council with the recommendation that the Resolution be adopted.

Resolution No. 907-02, “ Authorizing the Mayor to enter into a contract with Dr. Robert Valois and Dr. John Drane, Program Evaluators, in an amount not to exceed \$ 15,000, for review and analyses of the 2001 Youth Risk Behavior Survey data addressing the effectiveness of the West Virginia DARE Program and submitting a report describing the results.”

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 Dr. Robert Valois and Dr. John Drane, Program Evaluators, in an amount not to exceed Fifteen Thousand Dollars (\$15,000), for review and analyses of the 2001 Youth Risk Behavior Survey data addressing the effectiveness of the West Virginia DARE Program and submitting a report describing the results.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 907-02 adopted unanimously.

5. Your Committee on Finance has had under consideration Resolution No.908-02, and reports the same to Council with the recommendation that the Resolution be adopted.

Resolution No. 908-02, “ Authorizing the Mayor to enter into an Automatic Aid Agreement with the City of South Charleston providing for fire departments for Charleston and South Charleston to automatically be dispatched to and respond to all fires and disasters and other types of emergencies other than specifically outlined in the attached agreement.”

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 Automatic Aid Agreement with the City of South Charleston providing for fire departments from Charleston and South Charleston to automatically be dispatched to and respond to all fires and disasters and other types of emergencies other that specifically outlined in the attached agreement.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 908-02 adopted unanimously.

6. Your Committee on Finance has had under consideration Resolution No.909-02, and reports the same to Council with the recommendation that the Resolution be adopted.

Resolution No. 909-02, as amended, “ Authorizing the Mayor to sign a Grant Application with the West Virginia Department of Highways Transportation Enhancement Grant Program, in the amount of \$880,000 for the development of a Gateway Urban Greenspace located on the corner of Leon Sullivan Way and Washington Street, East, approximately one acre of land.”

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

That the Mayor is hereby authorized and directed to sign a Grant Application with the West Virginia Department of Highways Transportation Enhancement Grant Program, in the amount of Eight Hundred Eighty Thousand Dollars (880,000) for the development of a Gateway Urban Greenspace located on the corner of Leon Sullivan Way and Washington Street, East, approximately one acre of land.

The question being on the adoption of the Resolution No. 909-02 a roll call was taken and there were; yeas-25, nays-0, absent-2, as follows:

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

NAYS: None.

ABSENT: Crickenberger and Fouty-Young .

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 909-02 passed unanimously.

7. Your Committee on Finance has had under consideration Resolution No.910-02, and reports the same to Council with the recommendation that the Resolution be adopted.

Resolution No. 910-02, “ Authorizing the Finance Director to allocate HOME Program funds in the amount of \$15,000 for a project 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 HOME Program funds in the amount of Fifteen Thousand Dollars (\$15,000) for a project on the West Side of Charleston.

The question being on the adoption of the Resolution No. 910-02 a roll call was taken and there were; yeas-25, nays-0, absent-2, as follows:

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

NAYS: None.

ABSENT: Crickenberger and Fouty-Young .

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 910-02 passed unanimously.

8. Your Committee on Finance has had under consideration Resolution No.911-02, and reports the same to Council with the recommendation that the Resolution be adopted.

Resolution No. 911-02, “ Authorizing the Mayor to enter into a contract with Verizon Network

Integration (VNI) for purchase and installation of network equipment and data lines to connect City Hall to eight outside sites, in an amount not to exceed \$ 78,000.”

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 Verizon Network Integration (VNI) for purchase and installation of network equipment and data lines to connect City Hall to eight outside sites, in an amount not to exceed Seventy-eight Thousand Dollars (\$78,000).

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 911-02 adopted unanimously.

9. Your Committee on Finance has had under consideration amending the cost for purchase of a prisoner transport cage for the paddy wagon, approved by Council on November 5, 2001, by an increase in price from \$5,877.78. The Police Support Services group used an old catalog to obtain the amount of \$5, 350, previously approved.

To be charged to Account No. 01-700-0-0-4-059, Police–Capital Outlay, Equipment.

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 bid submitted by Custom Computer Specialist, Inc., in the amount of \$ 6,688.54, for purchase of four computers (\$1,540.18 each) and two scanners (\$263.91 each) to be used in the domestic Violence Unit Grants Office of the Charleston Police Department.

To be charged to the following accounts:

\$5,148.36 - 39-178-97-5-0-059, Police–Pro Arrest Domestic Violence Grant.

\$1,540.18 - 29-173-0-0-4-059, Police MDENT Forfeiture Assets.

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 Bill No. 6874, and reports the same to Council with the recommendation that the Bill do pass.

Bill No. 6874, a Bill to amend and re-enact Section 2-73 of the Code of the City of Charleston, relating to advertising for bids.

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

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

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

(a) Whenever any contract is proposed to be entered into by the city involving the expenditure of more than three thousand five hundred dollars, except where such contract involves the rendering of professional services, the city manager shall publish an advertisement calling for bids for this work, unless it is decided to do this work with city personnel or others employed by the city for such purposes. The time for opening such bids shall not be less than ten days from the date of the first publication of the advertisement. The advertisement shall be printed once a week for two successive weeks in two newspapers of the opposite politics, and of general circulation and published in the city, preceding the time of opening bids, and such publication shall be deemed reasonable and due notice as provided for in section 61 of the city Charter. The council shall reserve the right to reject any and all bids, but the contract, if let, must be let to the lowest responsible bidder. No contract shall be awarded to any bidder that is delinquent in any financial obligation to the City or is not operating with all required licenses and permits.

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

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

NAYS: None.

ABSENT: Crickenberger and Fouty-Young .

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 6874 passed unanimously.

REPORTS OF OFFICERS

1. Report of the City of Charleston , Municipal Court Financial Statements; December 2001;
Received and Filed.

NEW BILLS INTRODUCED

Introduced by Councilwoman Mary Jean Davis on January 7, 2002:

BILL NO. 6878, 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 R-4 Single Family Residential, to C-10 General Commercial District.

Refer to Planning Commission.

Introduced by Councilwoman Sara Crickenberger on January 7, 2002:

BILL NO. 6879, 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 C-6 with restrictions to C-6, that certain parcel of land situate at South East corner of Lee & Morris Street, Charleston, West Virginia.

Refer to Planning Commission.

UNFINISHED OR MISCELLANEOUS BUSINESS

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, Nielsen, Pettry, Prunty, Quick, Reishman, Roller, Talkington, and Mayor Goldman.

ABSENT: Crickenberger .

At 7:20 p.m., on motion of Councilman Loeb, Council adjourned until 7:00 p.m., Tuesday, January 22, 2002.

Jay Goldman, Honorable Mayor

James M. Reishman, City Clerk