

JOURNAL

OF THE

COUNCIL

CITY OF CHARLESTON

WEST VIRGINIA

JULY 15, 2002

THE COUNCIL MET IN CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE SECOND MEETING IN THE MONTH OF JULY ON THE 15TH DAY, IN THE YEAR 2002, AND WAS CALLED TO ORDER BY THE HONORABLE MAYOR, JAY GOLDMAN. THE INVOCATION WAS DELIVERED BY BILL KIMBERLING, AND THE PLEDGE OF ALLEGIANCE WAS LEAD BY DAN FOSTER .

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

CHARNOCK

HENRY

KNAUFF

JAMES LANHAM

MARKHAM

MORTON

PRUNTY

ROLLER

MAYOR GOLDMAN

CRICKENBERGER

HAAS

JONES

LANE

LOEB

MCKNIGHT

NIELSEN

QUICK

DAVIS

HARRIS

KIMBERLING

DAVID LANHAM

LOPEZ

MOLGAARD

PETTRY

REISHMAN

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.

**JULY 15, 2002, SECOND MEETING
CHARLESTON CITY COUNCIL JOURNAL JULY 15, 2002**

PUBLIC SPEAKERS

1. Jim Vickers
2. Laura Miller
3. Dan Foster
4. Bill Kimberling presented to the Mayor a three volume book set on the history of Union Carbide, that will be available to view in the Mayor's Office.

CLAIMS

1. A claim of Lynn Tyree, 1871 Loudon Heights Road Charleston, WV.; alleges damage to vehicle;
Refer to City Solicitor.

2. A claim of Jeffrey Hensley, 466 58th Street SE, Charleston WV; alleges damage to property;
Refer to City Solicitor.

COMMUNICATIONS

PROCLAMATIONS

TWO FOLLOWING

APPOINTMENTS

SEVEN FOLLOWING

The Clerk read the following communication submitted by Councilwoman Mary Jean Davis.

Honorable J. Crawford Goldman
and members of City Council
Charleston, WV. 25301

Dear Mayor Goldman and Councilmembers:

Please withdraw Bill # 6918- Petition of Chad Horton, on behalf of AutoZone, to amend the Zoning Ordinance of the City of Charleston by making AAutomobile parts, supplies, or accessories, including tires and batteries@permitted principal use as a Specialty Retail Trade, maximum 30,000 square feet in C-8 Village Commercial Zoning Districts.

Sincerely,
Mary-Jean Davis
Council at Large

The question being on the withdraw of the Bill a vote was taken. There being no dissent the Mayor declared Bill No. 6918 withdrawn.

MUNICIPAL PLANNING COMMISSION

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

Dear Mayor Goldman and Councilmembers:

On July 10, 2002 the Municipal Planning Commission held public hearings and its regular monthly meeting. The following cases were heard by the commission:

Bill No. 6920- Petition of Kimberly R. Edens and Joseph A. Carter Jr., to close, abandon, and discontinue a certain portion of a 30 foot non-improved public right -of- way located adjacent to 510 Pacific Street and running approximately 98 feet South West of Pacific Street or more commonly referred to as Edgewood Drive surrounded by Tax Parcel 22 and 41.1 as shown on North Charleston District Map 39. The Planning Commission recommended passage of the bill.

Hemingway Place Street Naming Request- Request of Doug Pauley for the following street names for

Hemingway Place: Hemingway Avenue. Margaux Way, Mariel Way, Earnest Way, and Havana Drive. All of the streets will be private streets. The Planning Commission recommended acceptance of the street names.

These cases should be referred to the Planning Committee of Council.

Sincerely,
Planning Department.

Mayor Goldman Referred the cases to the Council Committee Planning..

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. 6906, and reports the same to Council with the recommendation that the bill do pass.

Bill No. 6906 B A Bill amending the Zoning Ordinance of the City of Charleston by amending the notification procedures for the overall updating and revision of the zoning ordinance text and maps by removing the requirement that the City of Charleston mail postcard notices by first class mail to all property owners within the City limits and providing alternative methods of notification and participation.

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

The Zoning Ordinance of the City of Charleston, West Virginia enacted the 7th day of March 1983, as amended, is hereby amended by amending the notification procedures for the overall updating and revision of the zoning ordinance text and maps by removing the requirement that the City of Charleston mail postcard notices by first by first class mail to all property owners within the City limits and providing alternative methods of notification and participation. The

new provisions shall read as follows:

1) In ARTICLE 27: AMENDMENTS AND HEARING PROCEDURES
Section 27-5. Public Hearing. Amend subsection 27-5 (b) (5) to read as follows:

27-5 (b) (5) The notice for a bill amending the City's comprehensive zoning ordinance, by providing for overall updating and revision of the zoning ordinance text and map(s), shall be by: (1) Publication in a newspaper of general circulation as provided in paragraph (1) above; (2) publication of a display ad in a newspaper of general circulation at least 15 days prior to the meetings; (3) mailing of notices to residents to be included in City of Charleston Sanitary Sewer bills prior to the hearing; (4) posted on the City's web site, www.cityofcharleston.org, at least 15 days prior to the meeting; and (5) posting of notices in public buildings, such as City Hall, Courthouses, the State Capitol Complex, Federal Buildings, Post Offices, Libraries, and Community Centers.

2) 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-25, nays-, absent-2, as follows:

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

NAYS: None.

ABSENT: Fouty-Young, Talkington.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No.6906, passed unanimously.

2. Your Committee on Planning has had under consideration Bill No. 6908, and reports the same to Council with the recommendation that the bill do pass.

Bill No. 6908 B 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 a R-4 district to a R-6 district, that certain parcel of land situated at 601 Amber Road 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 a R-4 district to a R-6 district the whole of the following described parcel of land:

Parcels 121, 122, 123 as shown on Charleston South Annex Tax Map No. 2 Subject parcel commonly known as 601 Amber Road Charleston, West Virginia. Said tax map is of record in the Planning Office.

2. The Zoning Map, attached to and 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-25, nays-, absent-2, as follows:

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

NAYS: None.

ABSENT: Fouty- Young, Talkington.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No.6908, passed unanimously.

3. Your Committee on Planning has had under consideration Bill No. 6912, and reports the same to Council with the recommendation that the bill do pass.

Bill No. 6912 B A Bill amending the Zoning Ordinance of the City of Charleston, Kanawha County, West Virginia, enacted the 7th day of March 1983, as amended, and the map made part thereof, be rezoned from C-10 General Commercial District with restrictions to R-0 Residential Office District with restrictions, that certain parcel of land situated at 601 57th Street, 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 C-10 General Commercial District with restriction to R-0 Residential Office District with restrictions the whole of the following described parcel of land:

Parcel No. 97.1 as shown on Kanawha City tax district, Tax Map No. 10
Subject parcel commonly know as Kanawha Cinemas, Charleston, West Virginia.
Said tax map is of record in the Charleston Planning Department.

2. The rezoning as hereinbefore provided is further subject to the following conditions and restrictions:

(a) There shall be no means of vehicular access to the subject property from 56th Street or the alley running perpendicular thereto 150 feet south of MacCorkle Avenue, SE between 56th Street and 57th Street.

(b) The owner of the property shall maintain as a buffer area along the westerly property line thereof and the easterly right-of way of 56 the Street as 30-foot strip running from the C&O Railroad right-of-way a distance of 545 feet and 10-foot strip along the balance of said westerly property line and easterly right-of-way line of 56th Street to the aforesaid 16-foot alley, which said 30 and 10-foot strip shall be dedicated as an area to be dedicated as an area to be landscaped and maintained by the owners as hereinafter provided.

(c) That portion of the 30-foot strip as aforesaid which is not immediately adjacent to the rear of the building to be constructed upon the property shall be diked and landscaped so as to shield the parking areas on the property from the adjacent residential areas to the west of 56th Street. That portion of the 30-foot strip immediately adjacent to the rear of the building to be constructed on the property shall be landscaped and maintained by the owner. The entire 10-foot strip as aforesaid shall be landscaped, diked and maintained by the owner. All landscaping and diking plans shall be subject to the approval of the Municipal Beautification Director.

3. The Zoning Map, attached to and made part of said Zoning Ordinance, is hereby amended in accordance with Section 1 of this ordinance.

4. All prior ordinances, or parts of ordinances, inconsistent with this ordinance are hereby appealed to the extent of the inconsistency.

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

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

NAYS: None.

ABSENT: Fouty-Young, Talkington.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No.6912, passed unanimously.

4. Your Committee on Planning has had under consideration Bill No. 6913, and reports the same to Council with the recommendation that the bill do pass.

Bill No. 6913 B 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 C-10 General Commercial District with restrictions to C-10 General Commercial District that certain 0.37 acre leased part of parcel of land situate at 300 Hillcrest Drive, 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 C-10 General Commercial district that certain 0.37 acre part of the following described parcel of land to C-10 with no restrictions.

A 0.37 acre leased part of Parcel 1 as shown on attached site plan and as shown on City Tax Map No. 61. Subject parcel commonly know as 300 Hillcrest Drive, Charleston, West Virginia. Said tax map is of record in the Planning Office.

2. The Zoning Map, attached to and 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-, absent-2, abstain-1, as follows:

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

NAYS: None.

ABSTAIN: Harris

ABSENT: Fouty- Young, Talkington.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No.6913, passed unanimously.

5. Your Committee on Planning has had under consideration Special Permit No. 1071, and reports the same to Council with the recommendation that the special permit for property located at 1604 Washington Street East, which will be used as a restaurant serving alcoholic beverages, 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 #1071 approved.

6. Your Committee on Planning has had under consideration a request to name the new street in Southridge Center ACross Terrace Boulevard@, and reports the same to Council with the recommendation that the street name be accepted.

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

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. 25-02, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 25-02 B Authorizing the Mayor to sign a renewal agreement with Verizon for Payphone Service at various City locations. This agreement is for a three (3) year period with automatic renewal for additional, successive terms of the same duration unless canceled by either party by giving a 30-day written notice. The renewal agreement provides for continued payphone service at strategic locations, but the City will not receive commission for use of the

phones due to the increase in wireless phone usage over the past several years.@"

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CHARLESTON, WEST VIRGINIA:

That the Mayor to is hereby authorized and directed to sign a renewal agreement with Verizon for Payphone Service at various City locations. This agreement is for a three (3) year period with automatic renewal for additional, successive terms of the same duration unless canceled by either party by giving a 30-day written notice. The renewal agreement provides for continued payphone service at strategic locations, but the City will not receive commission for use of the phones due to the increase in wireless phone usage over the past several years.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 25-02 adopted unanimously.

2. Your Committee on Finance has had under consideration Resolution No. 26-02, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 26-02 B Authorizing the Mayor to enter into a contract with D. C. Byers Co., in the total amount of \$1,206,414, for restoration of Municipal Parking Building No. 1 (\$850,000), and Municipal Parking Building No. 2 (\$262,214); plus three alternate bids (\$94,200).@"

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 D. C. Byers Co., in the total amount of One Million Two Hundred Six Thousand Four Hundred Fourteen Dollars (\$1,206,414), for restoration of Municipal Parking Building No. 1 (\$850,000), and Municipal Parking Building No. 2 (\$262,214); plus three alternate bids (\$94,200).

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 26-02 adopted unanimously.

3. Your Committee on Finance has had under consideration Resolution No. 27-02, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 27-02 B Authorizing the Mayor to enter into a contract with Clark Production, Inc., in the total amount of \$213,436.50, for purchase of one-year supply of black plastic refuse bags in the amount of \$168,150 (\$44.25 per 1000); and a one-year supply of clear yard waste bags, in the amount of \$45,286.50 (\$45.40 per 1000). The bags will be packaged in rolls and distributed to the citizens of Charleston for the one-year period from September 2002 to August 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 Clark Production,

Inc., in the total amount of Two Hundred Thirteen Thousand Four Hundred Thirty-six Dollars and Fifty Cents (\$213,436.50), for purchase of one-year supply of black plastic refuse bags in the amount of \$168,150 (\$44.25 per 1000); and a one-year supply of clear yard waste bags, in the amount of \$45,286.50 (\$45.40 per 1000). The bags will be packaged in rolls and distributed to the citizens of Charleston for the one-year period from September 2002 to August 2003.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 27-02 adopted unanimously.

4. Your Committee on Finance has had under consideration Resolution No. 28-02, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 28-02 B Authorizing the Mayor to enter into an agreement with the West Virginia Division of Motor Vehicles, Governor's Highway Safety Program, to receive and administer grant funds in the amount of \$12,400. This grant will be used to fund overtime for police officers to conduct DUI patrols and sobriety checkpoints throughout Kanawha County and for purchase of equipment. The grant period ends December 31, 2002.@

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 the West Virginia Division of Motor Vehicles, Governor's Highway Safety Program, to receive and administer grant funds in the amount of Twelve Thousand Four Hundred Dollars (\$12,400). This grant will be used to fund overtime for police officers to conduct DUI patrols and sobriety checkpoints throughout Kanawha County and for purchase of equipment. The grant period ends December 31, 2002.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 28-02 adopted unanimously.

5. Your Committee on Finance has had under consideration Resolution No. 29-02, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 29-02 B Authorizing the Mayor to sign a grant application to the Greater Kanawha Valley Foundation for funds in the amount of \$7,110 for renovation of the monument in Ruffner Park.@

BE IS RESOLVED BY THE COUNCIL OF THE CITY OF CHARLESTON, WEST VIRGINIA:

That the Mayor is hereby authorized and directed to sign a grant application to the Greater Kanawha Valley Foundation for funds in the amount of Seven Thousand One Hundred Ten Dollars (\$7,110) for renovation of the monument in Ruffner Park.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 29-02 adopted unanimously.

6. Your Committee on Finance has had under consideration Resolution No. 23-02, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 23-02 B Authorizing the Mayor to sign a Recycling Grant Application with the West Virginia Division of Natural Resources in the amount of One Hundred Thousand Dollars and No Cents (\$100,000.00), for the purchase of on Morbark Model 1000 Tub Grinder to be used by the City of Charleston Sanitary Board at the Copenhaver Yard Waste Facility and one Bobcat Skid-Steer Loader to be used by the Kanawha County Solid Waste Authority at the Kanawha County Recycling Facility.@

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CHARLESTON, WEST VIRGINIA:

That the Council of the City of Charleston authorize and direct the Mayor to sign a Recycling Grant Application with the West Virginia Division of Natural Resources in the amount of One Hundred Thousand Dollars and No Cents (\$100,000.00), for the purchase of on Morbark Model 1000 Tub Grinder and one Bobcat Skid-Steer Loader.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 23-02 adopted unanimously.

7. Your Committee on Finance has had under consideration a bid submitted by Mountain State Equipment Service Corporation, in the amount of \$3,587, for a Whitco Model 420 Hot Water Pressure Washer to be used by the Equipment Maintenance Department. To be charged to Account No. 001-754-00-000-3-341, Equipment MaintenanceB Materials and 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.

8. Your Committee on Finance has had under consideration a proposal submitted by Electronic Services, Inc., in the total amount of \$21, 350.80, for purchase of 12 Kenwood mobile radios for installation on police cruisers (\$9,616.80); and purchase of 20 Kenwood portable radios for use by piggybacking the vendor's bid submitted on January 2, 2002 for mobile radios, and November 6, 2001 for portable radios. Each previous bid for the radios is in effect for one year to allow the Police Department to purchase radios on an as needed basis. To be charged to Account No. 001-976-00-700-4-459, PoliceB 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 proposal submitted by Electronic

Communications in the amount of \$36,215.40, for purchase of 12 sets of emergency equipment for installation on police cruisers. This purchase is being made for a bid submitted by the vendor on January 24, 2002, and is valid for one year. To be charged to account No. 01-976-00-700-4-459, Police 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.

10. Your Committee on Finance has had under consideration Bill No. 6916 as amended, and reports the same to Council with the recommendation that the Bill do pass.

Bill No. 6916, as amended, a Bill amending and re-enacting Chapter 13, Article II, Section 31 of the Charleston City Code to increase refuse collection rates.

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

That the council for the City of Charleston hereby amends and reenacts Chapter 13, Article II, Section 21, of the Charleston City Code to increase refuse collection rates and amend and reenact the language of the City Code as follows:

Chapter 13:

Article II. REFUSE COLLECTION AND DISPOSAL

Sec. 31-21. Charges for refuse services; authority of City Collector to promulgate rules and regulations. Etc.

1. In conformity with subsection (h) of this section, and in order to make refuse disposal services self-supporting, the City Council shall enact a schedule of rates, fees and charges for refuse disposal services provided by the City which shall include but not be limited to the disposal of all bulky waste, garbage, refuse, rubbish, solid waste, recyclables and yard waste; and any such schedule enacted pursuant to this section shall, while it is in effect, be maintained on file in the office on the City Clerk.
2. For standard weekly service to single-family residential units, including apartment and efficiency apartments, the charges will be as follows: \$180.00 per year (or \$15.00 per month.) For standard weekly service to non-residential units, the charges will be as follows: \$25.00 per month for pick up of bags, which will no be supplied by the City, and \$40.00 per month per dumpster, not to exceed three (3) cubic yards in size.
3. If the billing is not paid within twenty (20) days of the mailing, a ten percent (10%) penalty shall be added to the bill.
4. The billing of the charges provided for above will be made by billing one-twelfth of such

amount monthly in conjunction with the billing of the Sanitary Board and the Fire Service Charge, under an arrangement providing for equitable sharing of the billing cost; provided, however, that when a user of waste disposal service is not being billed for sewer service, the city reserves the right to bill this service on an quarterly basis.

5. When the aggregate gross income of all persons residing in a single-family residential unit, including apartments and efficiency apartments, maintained and occupied by a resident of the city during the preceding calender year of the city will be less than Twenty Thousand Dollars (\$20,000) the rate for refuse to \$60.00 a year (or \$5.00 per month), provided, that the Refuse Fee account for which the reduced rate is requested is not in delinquent status and that the account is current with no arrearage or penalties owed, and the account has no delinquent fees or penalties due, and that the resident who occupies such domestic establishment makes an application for such rate to the City Collector and files therewith an affidavit pertaining to the relevant facts. The rate and charges shall become effective with the first monthly billing after the filing on the affidavit.

In the event any person making application for reduced charges shall submit any false, erroneous or untrue information relative to the eligibility or qualifications of the applicant for such reduced charges as set forth herein, any such person supplying such false, erroneous or untrue information shall be subject to a penalty equal to one hundred fifty percent of the prevailing rate then in effect.

6. The City Collector is hereby authorized to adopt such rules and regulations as may be necessary for him to determine, and he shall determine, the classification of resident, multiple dwellings and other buildings and premises for the application of the rates, fees and charges established by any schedule enacted by the City Council pursuant to this section; and any person feeling aggrieved by the application of any such rule or regulation of the City Collector shall have the burden of proof to show that the City Collector's rule or regulation is erroneous.
7. The City Council shall have the right to revise from time to time the schedule of rates, fees and charges enacted pursuant to subsections (b) and (e) of this section, so as to accomplish the purposes mentioned in subsection (a) or to so adjust the rates, fees and charges so that costs will be distributed as equitably as possible among all citizens of the city on the basis of benefit received. At no time, however, shall rates be continued which are disclosed to be producing less revenue than is required to meet all obligations and costs involved in rendering refuse disposal costs at the landfill, or more revenue than is required to meet all costs involved in the collection and disposal services.

The City Clerk is directed, pursuant W.Va. Code 8-11-4(2), and 8-13-13, to

publish a class II-O legal advertisement, in compliance with W.Va. Code 59-3-1 et. Sq., at least five (5) days before the meeting at which the proposed ordinance is to be finally adopted, notifying the public of the subject matter and general title of this ordinance. The date, time and place of the proposed final vote on adoption, and the place or places within the city where such proposed ordinance interested the proposed ordinance may be inspected by the public. Said notice shall also advise that parties may appear at the meeting and be heard with respect to ordinance.

The increase rates will take effect on September 1, 2002.

The question being on the passage of the Bill a roll call was taken and there were; yeas-17, nays-8, absent-2, as follows:

YEAS: Crickenberger, Davis, Haas, Harris, Henry, Knauff, Lane, Kimberling, Loeb, Molgaard, Morton, Nielsen, Prunty, Reishman, Roller, David Lanham, and Mayor Goldman.

NAYS: Charnock, Jones, James Lanham, Lopez, Markham, McKnight, Pettry, Quick.

ABSENT: Fouty- Young, Talkington.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No.6916 as amended, passed .

Councilman David Molgaard made motion to amend the bill by deleting the word ~~AEighteen@~~ and insterting the word ~~ATwenty@~~and deleting the numeric figure ~~A\$18,000"~~ and inserting ~~A\$20,000"~~.

The question being on the passage of the amendment a vote was taken. There being only one nay from Kenneth McKnight, the Mayor declared the amendment passed.

11. Your Committee on Finance has had under consideration Bill No. 6923, and reports the same to Council with the recommendation that the Bill do pass.

Bill No. 6923 - A Bill authorizing and directing the Mayor of the City of Charleston to donate two (2) 1996 Crown Victorias and on (1) Jeep Cherokee to the City of Welch and authorizing and directing the Chief of Police for the City of Charleston to enter into and agreement with the head of the Welch Police Department as to the particulars of the transaction.

WHEREAS, the City of Welch has requested assistance from the City of Charleston by way of donation of vehicles to be used for law enforcement purposes;

WHEREAS, the City of Charleston desires to offer the requested assistance to the City of Welch;

WHEREAS, the City of Charleston and its Police Department are authorized, by law, to make available equipment for the more efficient investigation, apprehension and adjudication of persons who violate the law and to assist victims of such crimes;

WHEREAS, the law requires that agreements between law enforcement agencies may remain in effect for no longer than twelve (12) month unless and until the time frame is renewed in writing thereafter;

WHEREAS, the City of Charleston, through the Chief of Police, desires to enter into such an agreement wherein the City of Welch will be given title to the above-mentioned vehicles with the understanding that should the parties choose not to renew the agreement every year, title to the vehicles would be returned to the City of Charleston;

WHEREAS, the City of Charleston also will require that the City of Welch fully insure said vehicles in compliance with the law and agree to indemnify and hold harmless the City of Charleston from any and all liability resulting from the use of the vehicles.

Be it Ordained by the Council of the City of Charleston, West Virginia the Mayor of the City of Charleston donate two (2) 1996 Crown Victorias and one (1) Jeep Cherokee to the City of Welch and authorizing and directing the Chief of Police for the City of Charleston to enter into an agreement with the head of the Welch Police Department the particulars of the transaction.

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

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

NAYS: None.

ABSENT: Fouty-Young, Talkington.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No.6923, passed unanimously.

12. Your Committee on Finance has had under consideration Bill No. 6924, and reports the same to Council with the recommendation that the Bill do pass.

Bill No. 6924 B A Bill authorizing and directing the Mayor of the City of Charleston to accept a deed from the Charleston Housing Authority for property, described as parcel A and B, Subdivision of Orchard Manor Property, including a tract of land more fully described in Deed Book 997, page 446, of record in the office of the Clerk of the County Commission of Kanawha County, for consideration in the amount of \$1.00 and for the purpose of building a Public Safety Center for the City of Charleston.

WHEREAS, the City of Charleston desires to acquire this property for the purpose of erecting a Public Safety Center;

WHEREAS, the Charleston Housing Authority holds said property in trust for the benefit of the residents of public housing; and as such, requires that the property be used to the benefit of said residents;

WHEREAS, it is believed that the Public Safety Center would be beneficial to the residents of public housing in Orchard Manor, and also beneficial to all citizens of the City of Charleston;

WHEREAS, in the event that the City of Charleston ceases to use the property for the purpose of a Public Safety Center and related Municipal uses, said property would revert back to the Charleston Housing Authority.

Be it Ordained by the Council of the City of Charleston, West Virginia That the Mayor of the City of Charleston accept a deed from the Charleston Housing Authority for property, described as parcel A and B, Subdivision of Orchard Manor Property, including a tract of land more fully described in Deed Book 997, page 446, of record in the office of the Clerk of the County Commission of Kanawha County, for consideration in the amount of \$1.00 and for the purpose of building a Public Safety Center for the City of Charleston.

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

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

NAYS: None.

ABSENT: Fouty- Young, Talkington.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No.6924, passed unanimously.

13. Your Committee on Finance has had under consideration Bill No. 6925, and reports the same to Council with the recommendation that the Bill do pass.

Bill No. 6925 B A Bill authorizing and directing the Mayor of the City of Charleston to purchase private property located in a flood prone area from Darrell and Sandra Phelix, pursuant to a cooperative grant agreement between the City and the State Office of Emergency Services, dated May 12, 2000, for the purposes of demolishing structures located on the property and restricting the use of said property to be only for purposes compatible with flood prone property.

WHEREAS, the City Council of the City of Charleston, West Virginia adopted Resolution No. 833-01 on September 4, 2001, wherein it authorized the Mayor to accept a Hazard Mitigation Grant, in the amount of \$422,897.00, for the acquisition of six structures located in the flood prone area along Kanawha Two Mile Creek for the purposes of demolishing said structures and converting the land to open space with restrictions banning future habitable structures on said properties;

WHEREAS, the City of Charleston, acting by and through its City Council, has entered into a cooperative grant agreement with the state dated May 12, 2000;

WHEREAS, the City of Charleston and Darrell and Sandra Phelix, have negotiated a purchase price of \$49,000.00 for this property more fully described as being the same property being conveyed to Darrell and Sandra Phelix by Rita Page, by deed dated May 16, 2001, of the record

in the office of Clerk of the County Commission of Kanawha County, West Virginia, in Deed Book 2525, at page 776.

WHEREAS, said \$49,000.00 is available within the City budgets pursuant to grant monies received from the Hazardous Mitigation Grant and the City would like to expend \$49,000.00 of such to purchase the subject property.

Be it Ordained by the Council of the City of Charleston, West Virginia That the Mayor of the City of Charleston will purchase private property located in a flood prone area from Darrell and Sandra Phelix, pursuant to a cooperative grant agreement between the City and the State Office of Emergency Services, dated May 12, 2000, for the purposes of demolishing structures located on the property and restricting the use of said property to be only for purposes compatible with flood prone property.

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

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

NAYS: None.

ABSENT: Fouty- Young, Talkington.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No.6925, passed unanimously.

14. Your Committee on Finance has had under consideration Bill No. 6926, and reports the same to Council with the recommendation that the Bill do pass.

Bill No. 6926 B A Bill authorizing and directing the Mayor of the City of Charleston to purchase private property located in a flood prone area from Charles and Cynthia Rucker, pursuant to a cooperative grant agreement between the City and the State Office of Emergency Services, dated May 12, 2000, for the purposes of demolishing structures located on the property and restricting the use of said property to be only for purposes compatible with flood prone property.

WHEREAS, the City Council of the City of Charleston, West Virginia adopted Resolution No. 833-01 on September 4, 2001, wherein it authorized the Mayor to accept a Hazard Mitigation Grant, in the amount of \$422,897.00, for the acquisition of six structures located in the flood prone area along Kanawha Two Mile Creek for the purposes of demolishing said structures and converting the land to open space with restrictions banning future habitable structures on said properties;

WHEREAS, the City of Charleston, acting by and through its City Council, has entered into a cooperative grant agreement with the state dated May 12, 2000;

WHEREAS, the City of Charleston and Charles and Cynthia Rucker, have negotiated a purchase price of \$50,000.00 for this property more fully described as being the same property being conveyed to Charles and Cynthia Rucker by Otho and Mary Dye, by deed dated May 25, 1992, of the record in the office of Clerk of the County Commission of Kanawha County, West

Virginia, in Deed Book 2289, at page 374.

WHEREAS, said \$50,000.00 is available within the City budgets pursuant to grant monies received from the Hazardous Mitigation Grant and the City would like to expend \$50,000.00 of such to purchase the subject property.

Be it Ordained by the Council of the City of Charleston, West Virginia That the Mayor of the City of Charleston will purchase private property located in a flood prone area from Charles and Cynthia Rucker, pursuant to a cooperative grant agreement between the City and the State Office of Emergency Services, dated May 12, 2000, for the purposes of demolishing structures located on the property and restricting the use of said property to be only for purposes compatible with flood prone property.

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

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

NAYS: None.

ABSENT: Fouty- Young, Talkington.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No.6926, passed unanimously.

15. Your Committee on Finance has had under consideration a Payment of an invoice from Environmental Design Group, in the amount of \$9,456.43, for the West Side Florida Street Design Project. To be charged to the following accounts: \$4,073.37 - 009-098-00-011, CDBGPublic Services; \$5,383.06 - 009-001-00-011, CDBGPublic 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-25, nays-, absent-2, as follows:

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

NAYS: None.

ABSENT: Fouty- Young, Talkington.

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

REPORTS OF OFFICERS

1. Report of the City of Charleston , Municipal Court Financial Statements; June 2002;
Received and Filed.
2. City Treasurer's Report to City Council Month Ending June 2002;
Received and Filed..

NEW BILLS INTRODUCED

Introduced by Councilman Charlie Loeb July 15, 2002:

Bill No. 6928, A Bill amending and reenacting section nine, chapter eighteen of the code of the City of Charleston, as amended, relating to penalties for interfering with City officers and employees.
Refer to Rules and Ordinance Committee.

UNFINISHED OR MISCELLANEOUS BUSINESS

1. Susie Salisbury and Alicia Bailey from Renaissance , presented a 15 minute presentation on the Way Finding Committee.

ROLL CALL

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

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

ABSENT: Fouty- Young, Talkington.

At 8:45 p.m., on motion of Councilman Loeb, Council adjourned until 7:00 p.m., Monday, August 5, 2002.

Jay Goldman, Honorable Mayor

James M. Reishman, City Clerk