

JOURNAL
OF THE
COUNCIL
CITY OF CHARLESTON
WEST VIRGINIA
JUNE 3, 2002

THE COUNCIL MET IN CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE FIRST MEETING IN THE MONTH OF JUNE ON THE 3RD DAY, IN THE YEAR 2002, AND WAS CALLED TO ORDER BY THE HONORABLE MAYOR, JAY GOLDMAN. THE INVOCATION WAS DELIVERED BY HENRY KNAUFF, AND THE PLEDGE OF ALLEGIANCE WAS LEAD BY BOBBY REISHMAN.

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

CHARNOCK	CRICKENBERGER	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	
MAYOR GOLDMAN		

TWENTY-SEVEN 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.

**JUNE 3, 2002, FIRST MEETING
CHARLESTON CITY COUNCIL JOURNAL JUNE 3, 2002**

PUBLIC SPEAKERS

1. NONE.

CLAIMS

1.A claim of Bradford B. Liston,5109 Jason Drive, Cross Lanes, WV.; alleges damage to property;
Refer to City Solicitor.

2.A claim of Randal M. Legg, P.O. Box 10025, Charleston, WV.; alleges damage to property;
Refer to City Solicitor.

COMMUNICATIONS

NONE.

MISCELLANEOUS RESOLUTIONS

1. Councilwoman Mary Jane Lopez introduced the following Resolution.

Resolution No. 994-02, a Resolution declaring that the City Council for the City of Charleston is in support of the West Virginia Lottery Commission retaining a physical location in Charleston, West Virginia.

WHEREAS, the Lottery Commission is considering relocating to Putnam County;

WHEREAS, currently the Lottery Commission is physically located at 312 MacCorkle Avenue, S. E., in Charleston;

WHEREAS, the Lottery Commission employs approximately 50 residents of Charleston;

WHEREAS, 75 employees of the Lottery Commission in Charleston;

WHEREAS, the Charleston location is more convenient for people to travel to from other parts of the state to collect lottery proceeds;

WHEREAS, the City of Charleston does not want to lose these employees and residents.

Be it Ordained by the Council of the City of Charleston, West Virginia: That the Council for the City of Charleston declares its support for keeping the physical location of the West Virginia Lottery Commission in charleston, West Virginia.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No.994-02 adopted unanimously.

2. Councilwoman Sara Crickenberger introduced the following Resolution.

Resolution No. 991-02, “ Declaring an area of the Community to be a slum or blighted area in need of redevelopment, pursuant to the provisions of Chapter 16, Article18,of the Code of West Virginia.”

WHEREAS, Chapter 16, Article18, Section 6, Subsection (b) of the Code of West Virginia requires that an urban renewal authority shall not prepare or substantially modify a redevelopment plan for a redevelopment project area unless the governing body of the community in which such area is located has, by resolution, declared such area to be slum or blighted area in need of redevelopment, and

WHEREAS, the expansion of the Boundaries of the Washington Street, East Urban Renewal Plan Area is a substantial change which constitutes the need for a formal amendment to the Plan Area which was first declared slum or blighted on January 2, 1990; and

WHEREAS, City Council is cognizant of certain factors that warrant the declaration of this amendment as a slum or blighted area as defined in the Code of West Virginia; now therefore be it

Resolved by the Council of the City of Charleston, West Virginia

1. That the Area shown in Exhibit IA with is attached hereto and made part hereof, is hereby declared to be a slum and blighted areas in need of redevelopment, pursuant to the provisions of Chapter 16, Article 18 of the Code of West Virginia.

Resolution No. 991-02, was referred to the Council Committee on Urban Renewal.

REPORTS OF STANDING COMMITTEES

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. 992-02, and reports the same to Council with the recommendation that the Resolution be adopted.

Resolution No. 992-02 - "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 a roll call was taken and there were; yeas-27, nays-0, absent-0, as follows:

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

NAYS: None.

ABSENT: None.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No.992-02 passed unanimously.

2. Your Committee on Finance has had under consideration Resolution No. 993-02, and reports the same to Council with the recommendation that the Resolution be adopted.

Resolution No. 993-02 - "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 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-27, nays-0, absent-0, as follows:

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

NAYS: None.

ABSENT: None.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No.993-02 passed unanimously.

3. Your Committee on Finance has had under consideration Resolution No. 995-02, and reports the same to Council with the recommendation that the Resolution be adopted.

Resolution No. 995-02 - “ 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 a roll call was taken and there were; yeas-27, nays-0, absent-0, as follows:

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

NAYS: None.

ABSENT: None.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No.995-02 adopted unanimously.

4. Your Committee on Finance has had under consideration Resolution No. 996-02, and reports the same to Council with the recommendation that the Resolution be adopted.

Resolution No. 996-02 - “Authorizing the Mayor to enter into an agreement with Zambelli Fireworks Manufacturing Corporation for the City’s 4th of July fireworks display; and further authorizing an expenditure of \$25,000 for the fireworks and related services.”

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 Zambelli Fireworks Manufacturing Corporation for the City’s 4th of July fireworks display; and further authorizing an expenditure of Twenty-five Thousand Dollars (\$25,000) for the fireworks and related services.”

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No.996-02 adopted unanimously.

5. Your Committee on Finance has had under consideration a proposal submitted by West Virginia Signal and Light, Inc., in the amount of \$9, 018.70, for purchase of a traffic signal cabinet and control equipment to replace items destroyed in a traffic accident at Kanawha Boulevard and Brooks Street on March 24, 2002. To be charged to Account No. 01-712-0-0-3-041, Traffic Engineering – 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.

6. Your Committee on Finance has had under consideration a bid submitted by Fleetmax software, in the amount of \$4, 495, for purchase of a computerized fleet management/ vehicle software program for the Equipment Maintenance Department. To be charged to Account No. 01-754-0-0-4-059, Equipment Maintenance– 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.

7. Your Committee on Finance has had under consideration the purchase of two (2) vehicles, for a total cost of \$28, 197 (one from Stephens Auto Center at a cost of \$12, 453 and the second from Bert

Wolfe for at a cost of (\$15,744), to be used by the Charleston Police Department. To be charged to the following accounts: \$21, 147.75 - 39-173-01-0-0-59, MDENT Grant; \$7,049.25 - 29-173-0-0-4-59, MDENT Forfeiture funds, 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 Bill No. 6911, and reports the same to Council with the recommendation that the Bill do pass.

Bill No. 6911 , A Bill authorizing the Mayor of the City of Charleston (“City), through his legal counsel, to file a petition with the West Virginia Public Service Commission (“PSC”) for approval of special rates for acceptance of waste tires.

WHEREAS, the City has entered into an operating agreement with West Virginia Waste Services, Inc., now Landfill Services of Charleston, Inc., a subsidiary of Waste Management, Inc., (WMI) of February 15, 1994, the intent of which was for the City to transfer to WMI the responsibility of financing and overseeing the construction of state of art regional waste disposal facility and the day to day management, operation, control, and other rights, in the City’s solid waste facility (landfill”). Said operating agreement is for a period of 25 years, ending February 15, 2019.

WHEREAS, said operating agreement sets a flat rate per ton for all solid waste disposed of at the solid waste facility . Said rate has been approved by the PSC. The flat rate plus assessment and royalty fees amount to \$40.00 per ton of solid waste being charged to the City and non-City disposers.

WHEREAS, in the operating agreement, the parties agreed that a separate rate may be established by WMI for the disposal of special waste, subject to PSC approval, if such approval is necessary.

WHEREAS, West Virginia Code requires all solid waste facilities to accept whole waste tires. West Virginia Code further provides that solid waste facilities may charge a reasonable fee for acceptance of waste tires.

WHEREAS, under state law, the Charleston landfill is legally obligated to take on responsibilities and costs associated with handling tires from residential customers, which were not contemplated when Charleston’s current rates were established and which justify the granting of immediate relief to prevent any cost shifting and unfair economic burden from being placed on Charleston’s landfill.

WHEREAS, the Charleston landfill believes that it will incur the handling of waste tires estimated to be 200 to 800 a month. The City expects most of these tires to come from non City disposers from the 7 counties which use the landfill. Currently, the City does not dispose of its tires in the landfill.

WHEREAS, The City is not seeking any other change in its rates at this time.

WHEREAS, currently the charleston Landfill is accepting waste tires at its approved tonnage rate of \$40.00 per ton. Charleston landfill is not permitted to land fill these tires and has no plans to construct a tire monofill cell. WMI has to separate, store and transport the tires to a point of ultimate disposal.

WHEREAS, the rate for which the City seek approval is \$2.090 per tire and up to 16 inches in rim size , if said tire is off the rim, and \$3.00 per tire up to 16 inches in rim size, if said tire is on the rim. For tires over 16 inches in rim size, but no greater than 24.5 inches, the City seeks approval of the rate of \$5.00 per tire.

Be it Ordained by the Council of the City of Charleston, West Virginia: That the Mayor of the City of Charleston, through is legal counsel, is hereby authorized and directed to file a petition for approval of special rates for acceptance of waste tires with the West Virginia Public Service Commission.

The question being on the passage of the Bill a roll call was taken and there were; yeas-27, nays-0, absent-0, as follows:

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

NAYS: None.

ABSENT: None.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No.6911, passed unanimously.

9. Your Committee on Finance has had under consideration a payment of an invoice from Asbestos Consulting, Inc., in the amount of \$5,913, for abatement of asbestos containing material from the structure at 1429 Crescent Road, based on the contract price of \$3.00 per square foot, approved by Council on April 1, 2002; and a second invoice for abatement of asbestos containing material from the structures at 1442 Third Avenue and 405 Mary Street, in the amount of \$7, 542. To be charged to Account No. - 25-001-00-033, CDBG– Clearance and Demolition, 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-27, nays-0, absent-0, as follows:

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

NAYS: None.

ABSENT: None.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared

the Committee Report adopted unanimously.

10. Your Committee on Finance has had under consideration a payment of an invoice from LifeBridge, Inc., in the amount of \$4,590.87, for reimbursement of salaries and operational expenses for March 2002. To be charged to Account No. 25-001-00-011, CDBG– Public Services, and reports the same to Council with the recommendation that the committee report be adopted.

The question being on the adoption of the Committee report a roll call was taken and there were; yeas-27, nays-0, absent-0, as follows:

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

NAYS: None.

ABSENT: None.

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

11. Your Committee on Finance has had under consideration a payment of an invoice from West Virginia Supreme Court of Appeals, in the amount of \$11,700, for equipment purchased to facilitate the electronic transfer of Domestic Violence Petition (DVP) information from the county clerk's office to the supreme court and in turn to the West Virginia State Police, through the WEAPON system, for availability to police officers statewide. To be charged to o Account No. 39-178-97-5-059, Police– ProArrest Grant, and reports the same to Council with the recommendation that the committee report be adopted.

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

12. Your Committee on Finance has had under consideration a payment of an invoice from HAM Engineering, Inc., in the amount of \$5,000, for structural engineering services and drafting of CMU walls, second floor framing and roof framing, and preparation of technical specification for the Pro Shop Building at the Kanawha City Recreation Center (Tennis Courts). To be charged to Account No. 58-900-0-0-4-060, P&R– Capital Outlay, Major Improvements, and reports the same to Council with the recommendation that the committee report be adopted.

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

13. Your Committee on Finance has had under consideration a payment of an invoice from Bowles, Rice, McDavid, Graff & Love, in the amount of \$5,369.64, for professional services rendered from March 1 to April 30, 2002 for general workers' compensation. To be charged to Account No. 01-

417-0-0-2-023, Legal Department–Professional Services, and reports the same to Council with the recommendation that the committee report be adopted.

ABSTAIN: Loeb, Lane, Markham.

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.

REPORTS OF OFFICERS

1. Report of the City of Charleston Payroll Variance Analysis; May 2002;
Received and Filed.

2. Report of the Charleston Building Department, April, 2002;
Received and Filed.

NEW BILLS INTRODUCED

Introduced by Councilwoman Mary Jean Davis, on June 3, 2002:

1. Bill No. 6906, 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 City limits and providing alternative methods of notification and participation. Refer to The Municipal Planning Commission.

UNFINISHED OR MISCELLANEOUS BUSINESS

NONE.

ROLL CALL

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

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

At 7:30 p.m., on motion of Councilman Loeb, Council adjourned until 7:00 p.m., Monday, June 17, 2002.

Jay Goldman, Honorable Mayor

James M. Reishman, City Clerk