

# ***JOURNAL***

**OF THE**

# ***COUNCIL***

**CITY OF CHARLESTON**

**WEST VIRGINIA**

**MARCH 4, 2002**

**THE COUNCIL MET IN CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE FIRST MEETING IN THE MONTH OF MARCH ON THE 4<sup>TH</sup> 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 DAVE HARDY.**

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

<b>CHARNOCK</b>	<b>DAVIS</b>	<b>BETH FOUTY-YOUNG</b>
<b>HAAS</b>	<b>TALKINGTON</b>	<b>RYAN HENRY</b>
<b>JONES</b>	<b>KIMBERLING</b>	<b>KNAUFF</b>
<b>LANE</b>	<b>DAVID LANHAM</b>	<b>JAMES LANHAM</b>
<b>LOEB</b>	<b>LOPEZ</b>	<b>MARKHAM</b>
<b>MCKNIGHT</b>	<b>MOLGAARD</b>	<b>BETTY MORTON</b>
<b>NIELSEN</b>	<b>PETTRY</b>	<b>PRUNTY</b>
<b>QUICK</b>	<b>REISHMAN</b>	<b>ROLLER</b>
<b>CRICKENBERGER</b>		
<b>MAYOR GOLDMAN</b>		

**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.**

**MARCH 4, 2002, FIRST MEETING  
CHARLESTON CITY COUNCIL JOURNAL MARCH 4, 2002**

## **PUBLIC SPEAKERS**

1. Tom Kortz.

## **CLAIMS**

1. A claim of Mary I. Carney, 724 York Ave., Charleston, WV.; alleges damage to vehicle;  
Refer to City Solicitor.
2. A claim of Dolly S. Daniel, 5100 Noyes Ave, SE., Charleston, WV.; alleges damage to property;  
Refer to City Solicitor.
3. A claim of Robert L. Damron, 805 Vogel Dr., Charleston, WV.; alleges damage to vehicle;  
Refer to City Solicitor.
4. A claim of Don Vanater, 612 45<sup>th</sup> St., Charleston, WV.; alleges personal injury;  
Refer to City Solicitor.

## **COMMUNICATIONS**

## ***PROCLAMATIONS***

## **FIVE FOLLOWING**

TO: James Reishman, City Clerk

FROM: Jay Goldman, Mayor  
RE: Regional Development Authority  
DATE: March 4, 2002

I am recommending that Mrs. Mary Jean Davis, 1527 Dogwood Road, Charleston, WV. 25314, be reappointed to the Regional Development Authority. Mrs. Davis's term will expire June 30, 2003. I respectfully request City Council's approval of this recommendation.

The question being on the confirmation of the appointment a vote was taken. There being no dissent the Mayor declared the appointment confirmed unanimously.

TO: James Reishman, City Clerk  
FROM: Jay Goldman, Mayor  
RE: Board of Zoning Appeals  
DATE: February 27, 2002

I am recommending that Courtland Smith of 4313 Staunton Ave., Charleston, WV. 25304, be appointed to the Board of Zoning Appeals, replacing Steve Fisher, with the term expiration of January 1, 2005.

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

The question being on the confirmation of the appointment a vote was taken. There being no dissent the Mayor declared the appointment confirmed unanimously.

## ***PLANNING***

1. Special Permit # 1053 Application of Phillip Garlow, on behalf of Garlow Insurance Agency, requesting a special permit to expand an existing professional office in an R-10, High Density Multi-Family Residential District, by constructing a 26ft. By 16ft. Addition accessory to the office building located at 2401 Washington St., East.  
Referred to Municipal Planning Commission .

TO: Jay Goldman, Mayor  
and Members of Council

FROM: Mary Jane Lopez

DATE: March 1, 2002

RE: Resolution Withdrawal

As sponsor of Resolution No. No 925-02, introduced into Council on February 19, 2001, I respectfully request your approval to officially withdraw this Bill.

Thank you.  
Mary Jane Lopez

The question being on the withdraw of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 925-02 withdrawn.

### **MISCELLANEOUS RESOLUTIONS**

Councilwoman Mary Jane Lopez, introduced the following Resolution.

1. Resolution No. 944-02,

WHEREAS, citizens from Charleston, West Virginia, have joined together with Labor Organizations and other groups to urge our respective State Legislators and Governor Wise to enact legislation that will ensure the safety of our families and children from overweight coal trucks, and the trucking industry all over our state; and,

WHEREAS, it is our strong belief that the trucking industry must abide by all laws just the same as any and all citizens of our state; and,

WHEREAS, in the last 18 months, 11 families from Southern West Virginia have lost family members due to accidents involving overweight coal trucks; and,

WHEREAS, West Virginia citizens implore Governor Wise and our respective State Legislators to consider the safety of citizens more important than the economic needs of any particular industry; and,

WHEREAS, it is not our intention to destroy jobs and livelihood, but by the same token we do

not want to see any more deaths or injuries from overweight, oversized coal trucks; and,

WHEREAS, we want it understood that we are not against coal mining or any other part of the coal industry, but do believe that the coal industry and its truck operators should recognize their duties and responsibilities in keeping citizens safe from violent death and injuries by coal trucks and should act accordingly;

**Be It Resolved By The Council Of The City Of Charleston, West Virginia;**

That the Mayor and City Council for the City of Charleston support and urge the enactment of legislation that will advance measures to ensure the safety of our families and children from overweight coal trucks and the trucking industry all over our state.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-13, nays-13, absent-1, as follows:

YEAS: Crickenberger, Davis, Fouty-Young, Henry, Jones, Kimberling, Lopez, Markham, McKnight, Molgaard, Morton, Quick, and Talkington.

NAYS: Charnock, Haas, Knauff, Lane, David Lanham, James Lanham, Loeb, Nielsen, Pettry, Prunty, Reishman, Roller, and Mayor Goldman.

ABSENT: Harris.

With a majority of members elected recorded thereon as voting in the event of a tie vote the Mayor declared Resolution No. 944-02 failed.

2. **Resolution No. 945-02**, TO Declare March 4, 2002 as a day to express sympathy to the family and friends of Kemp Melton on behalf of the City of Charleston, West Virginia.

**WHEREAS**, Kemp Melton was a true gentleman, always working for the good of the citizens and serving as a political father figure to many; and

**WHEREAS**, Kemp Melton , former Mayor of the City of Charleston, will always be remembered for his dedication to the public, holding local public offices for more that 30 years; and

**WHEREAS**, Kemp Melton possessed a leadership style to be admired, based upon consensus building a task accomplishment; and

**WHEREAS**, Mayor Jay Goldman and Charleston City Council would like to express their deepest sympathies to the family of Kemp Melton for their loss.

**NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF**

**CHARLESTON, WEST VIRGINIA:**

That March 4, 2002 is declared as a day to honor the memory of former Mayor Kemp Melton, a man of great stature and vision.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No.945-02 adopted unanimously.

**REPORTS OF STANDING COMMITTEES**

***PUBLIC SAFETY***

Councilman Kenneth McKnight, Chairperson of the Council Committee on Public Safety, submitted the following reports.

1. Resolution No. 934-02, a Resolution authorizing the Mayor to sign an Automatic Aid Agreement with the City of South Charleston For Fire Protection.

**Contract**  
**Automatic Aid Agreement**

This agreement, made on the\_\_ day of\_\_\_\_\_ 2002, between the City of Charleston, West Virginia, and the City of South Charleston, West Virginia is as follows:

**Witnesseth**

WHEREAS, the City of Charleston, West Virginia and the City of South Charleston, West Virginia have previously entered into a “Fire Protection Agreement” dated January 27, 1977, in which the parties agreed to furnish mutual aid to each other in performing their firefighting and disaster control obligations. Under this agreement, the City of Charleston responds to fires and disasters in the City of South Charleston only upon specific request from the Fire Chief of the City of South Charleston, or his designated representative. Likewise, the City of South Charleston responds to fires and disasters in the City of Charleston only upon specific request from the Fire Chief of the City of Charleston or his designated representative.

WHEREAS, the City of Charleston and the City of South Charleston have previously

mutually agreed in cases of vehicular wrecks and vehicular fires, which occur on Corridor G (U.S. 119) from Paula Road to the Ruthdale Exit, to share emergency response duties, as set forth in the agreement dated the 18<sup>th</sup> day of September 1990.

WHEREAS, it is now the intent of the City of Charleston and the City of South Charleston to enter into this "Automatic Aid Agreement" in which both fire departments will automatically be dispatched to and respond to all fires, auto accidents, rescue calls and other emergencies except medical first responder calls, occurring on U.S. 119 Corridor G south of the intersection of WV 601 within both cities corporate limits regardless of which city the incident is in and terminating at the intersection of U.S. 119 (Corridor G) and Childress Road. The areas of this agreement will also include The Shops of Trace Fork Shopping Plaza, Dudley Farms and the Southridge Center. It does not include the United States Postal Facility, United States Army Reserve Center or the Regional Jail.

WHEREAS, the purpose of this agreement is to provide the public with prompt fire protection response and to minimize confusion over jurisdictional boundaries which exist in the area.

The parties, in consideration of the covenants herein agree to the following terms and conditions:

1. Any and all calls for fire protection or rescue services, except medical first responder calls, for incidents occurring in the area covered by this agreement both cities will respond with fire apparatus when available.
2. The parties hereby do not assume the liability for the negligence or the other actions of the other party or its agents and employees. The parties agree to hold harmless, defend and assume the liability of defense, including all cost and attorney fees, of the other party whose conduct did not create the liability.
3. When dispatched, Charleston and South Charleston will each send at least two fire units,

when available, to fire alarms and fires for all businesses located in the area covered by this agreement.

4. When dispatched to automobile accidents, each department will send at least one (1) engine, rescue or other fire unit equipped with hydraulic rescue tools.
5. When dispatched to brush and trash fires, downed power lines and vehicular fires, each department will send their closest available unit.
6. The cities will not automatically respond to medical first responder calls in the other city's jurisdictional boundaries.
7. The first arriving unit will initiate command, give a size-up via radio and take the appropriate action to mitigate the emergency.
8. The Shift Commander, Chief Officer or Fire Chief of the department in whose jurisdiction the incident occurs may take command but only after contacting the existing incident commander and having been fully appraised of the situation.
9. The fire departments of both cities will monitor the radio frequency of the other and notify the other of it's to calls within the other's jurisdictions.
10. Each party shall have the right to cancel this agreement with five (5) days written notice.

ATTEST

THE CITY OF CHARLESTON  
A municipal corporation,

\_\_\_\_\_  
City Clerk

By \_\_\_\_\_  
Its Mayor

Taken, subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_, 2002.

Talkington made motion for Resolution No. 934-02 to be tabled, a vote was taken there being no dissent the Mayor Tabled the Resolution

***PARKS AND RECREATION***

Councilwoman Beth Fouty-Young, Vice Chairperson of the Council Committee on Parks and Recreation,

submitted the following reports.

1. Your Committee on Parks and Recreation has had under consideration of Resolution No. 926-02, and reports the same to Council with the recommendation that the Resolution be adopted.

Resolution No. 926-02, to adopt a resolution to have the Mayor execute and record restrictive covenants which limit uses of Danner Meadow Park.

WHEREAS, the sponsors of this Resolution have served on a committee which included citizen representatives: Harry Bell, Sr., Jean Hawks, Thomas Kortz and Melody Simpson to consider and recommend the imposition of restrictive covenants on Danner Meadow Park; and

WHEREAS, after due deliberation and consideration, the Mayor has recommended that the Mayor execute and record as provided in the "Declaration of Covenants, Conditions and Restrictions for Danner Meadow Park in South Annex Tax District, City of Charleston, Kanawha County, West Virginia," in the form attached to this Resolution;

NOW, THEREFORE, the City of Charleston, Kanawha County, West Virginia, a copy of which is attached to this Resolution.

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR DANNER  
MEADOW PARK  
IN SOUTH ANNEX TAX DISTRICT, CITY OF  
CHARLESTON, KANAWHA COUNTY, WEST VIRGINIA

THIS DECLARATION , made this \_\_\_ day of February, 2002, by THE CITY OF CHARLESTON, a municipal corporation organized and existing under the laws of the State of West Virginia (hereinafter sometimes referred to as the "Declarant" or the "City");

WITNESSETH:

WHEREAS, Declarant is the owner of certain tracts or parcels of land, together with the improvements thereon and the appurtenances thereunto belonging, situate in the City of Charleston, South Annex Tax District, Kanawha County, West Virginia, and being more

particularly bounded and described as follows:

PARCEL NO. ONE: All that certain lot or parcel of land being one-half of Lot No.33 of Woodland Terrace Addition to the City of Charleston as shown on a map of same of record in the office of the Clerk of the County Commission of Kanawha County, West Virginia, in Map Book 1, at page 133, being the easterly one-half of said Lot 33, and which said lot is more particularly described as follows:

~~BEGINNING at an iron pin in the western right-of-way line of Danner Road a corner of Lots 33 and 34 of Woodland Terrace; thence with the division line between said Lots 33 and 34, N. 79° 32' West 107.50 feet to an iron pin; thence leaving said common division line and through Lot 33, N. 21° 51' East 51 feet to an iron pin in the common division line between Lots 33 and 32 of Woodland Terrace; thence S. 79° 31' East 106.50 feet to an iron pin in the westerly right-of-way line of Danner Road; thence with said westerly right-of-way line, S. 21° 50' West 52 feet to the place of beginning, as the same is shown upon a map entitled "Map Showing Vecellio & Grogan, Inc. Lot One-half Lot No.33 to Woodland Terrace, Loudon District, Kanawha County, December 14, 1981, City of Charleston, Scale 1" = 30', Surveyed by David L. Lovejoy, Land Surveyor No.293."~~

~~PARCEL NO. TWO: All of Lots Nos 167, 168, 169 and 170 of Woodland Terrace Addition to the City of Charleston as shown on a plat entitled "Map Showing Vecellio & Grogan, Inc. Lots A, B, C of 170 and 167 -170 to Woodland Terrace, Loudon District, Kanawha County, December 11, 1981, City of Charleston, Scale 1" = 40', Surveyed by David L. Lovejoy, Land Surveyor No.293," and which said lots are more particularly described on the attached Exhibit I.~~

~~PARCEL NO. THREE: All of the Addition to the City of Charleston comprising parts Forest Hills Subdivision of the City of Charleston as the same are shown on a map entitled "Map Showing Tracts of Land Located in the City of Charleston, Kanawha County, W. Va. Owned by City of Charleston, Scale 1" = 40', May 16, 1972, David L. Lovejoy, L.L.S., Palermo W. Va.," and which said tracts or parcels are more particularly described on the attached Exhibit 2.~~

AND BEING the same property conveyed to the City for use as park and recreational facilities by Deed recorded in the office of the Clerk of the County Commission of Kanawha County, West Virginia, in Deed Book 1993, at page 158, and hereinafter referred to as "Danner Meadow Park"; and

WHEREAS, Danner Meadow Park has been used by the City as a park since 1981; and

WHEREAS, Danner Meadow Park is located in an area of the City that is residential;

and

WHEREAS, there is a continuing and growing need in the City for level playing fields to support, among other things, the growth of organized youth sports within the City; and

WHEREAS, Danner Meadow Park provides terrain which meets this criteria; WHEREAS, the need of the City to include Danner Meadow Park for playing fields for organized sports must be balanced with the need to protect the residential neighborhoods surrounding Danner Meadow Park and to preserve the existing character of such neighborhoods; and

WHEREAS, if Danner Meadow Park is to be used as a playing field, certain conditions and restrictions must be imposed on the land in order to minimize the impact of such expanded use upon the surrounding neighborhoods; and

WHEREAS, the City desires to impose certain conditions, covenants and restrictions as hereinbelow set forth on Danner Meadow Park and to reserve to itself and to the citizens of the City of Charleston certain rights and privileges with respect to the purposes of this Declaration.

NOW, THEREFORE, Declarant hereby declares that the lands known as Danner Meadow Park shall be used, held, sold and conveyed subject to the following covenants, conditions and restrictions which are for the purpose of protecting Danner Meadow Park and the neighborhoods contiguous thereto and shall be binding upon, the City and all other parties having a right, title or interest in Danner Meadow Park or any part thereof, and their respective heirs or personal representatives, successors and assigns, together with any and all individuals using Danner Meadow Park or any part thereof, and shall inure to the benefit of the City and the citizens of the City.

CONDITIONS, COVENANTS AND RESTRICTIONS

1. No permanent facilities for field lighting, bleachers, loud speakers, or concession stands shall be erected or placed in or on Danner Meadow Park.

2. The covenants, conditions and restrictions of this Declaration shall run with and bind Danner Meadow Park, and shall inure to the benefit of the City and its citizens. The City and its citizens are hereby empowered to enforce, by any proceeding at law or in equity, all restrictions, conditions, covenants and provisions of this Declaration. Failure to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter.

3. These conditions, covenants and restrictions shall apply for a period of twenty (20) years from the date hereof and shall automatically terminate upon the twentieth anniversary of the date of this Declaration.

IN **WITNESS WHEREOF**, Declarant has caused this deed to be duly executed by the Mayor and its seal to be hereunto duly affixed and attested to by its Clerk all as of the date first above written:

**THE CITY OF CHARLESTON**

ATTEST:  
\_\_\_\_\_

City Clerk

By: ~~\_\_\_\_\_ Jay Goldman \_\_\_\_\_~~  
Its Mayor

STATE OF WEST VIRGINIA,

COUNTY OF KANAWHA, to-wit:

I, \_\_\_\_\_ a Notary Public in and for said State, do hereby certify that JAY GOLDMAN, who signed the foregoing writing, bearing date the \_\_\_\_\_ day of February, 2002, for THE CITY OF CHARLESTON, a municipal corporation organized and existing under the laws of the State of West Virginia, as its Mayor, has this day in my said State and County, before me,

acknowledged the said writing to be the act and deed of said municipal corporation.

Given under my hand and official notarial seal this \_\_\_\_ day of February, 2002.

My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

**[NOTARIAL SEAL]**

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No.926-02 adopted unanimously.

2. Your Committee on Parks and Recreation has had under consideration of Bill No. 6883, and reports the same to Council with the recommendation that the Bill do pass.

Bill No. 6883, a Bill amending the Code of the City of Charleston enacted in 1957, as amended, Chapter 19, Parks and Recreation, Article I by adding the term “organized athletic groups” to Section 19-1 (definitions), and adding a new Section 19-8.3 concerning the establishment of Danner Meadow Park and setting forth the rules of usage for such park.

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

1. The Code of the City of Charleston, West Virginia, enacted in 1957, as amended, Chapter 19, Parks and Recreation, Article I, is hereby amended as follows:

- (a) Section 19-1, by adding a new definition for “organized athletic groups” to read: “Organized athletic groups. The term “organized athletic groups” is defined to mean not-for-profit athletic teams supervised by coaching staff which participate in an organized competitive league or association.
- (b) Section 19.8, by adding a new Section 19-8.3 concerning the establishment of Danner Meadow Park and setting for the rules of usage for said park, to read as follows:

“Sec. 19-8.3. Danner Meadow Park

(a) Establishment. By deed dated December 30, 1981, Vecellio & Grogan, Inc., conveyed to the City certain parcels or tracts of land located in South Annex District of Kanawha County within the City of Charleston, which is commonly known as “Danner Meadow Park” for use as park and recreational facilities. A description of the property can be found in the office of the Clerk of the County Commission of Kanawha County, West Virginia, in Deed Book 1993, at page 158.

(b) Rules of Conduct. In order to protect and preserve that character of the residential neighborhoods that surround Danner Meadow Park while allowing organized athletic groups to use the said park area, the following rules of conduct shall apply to the said park area:

1. The utilization of Danner Meadow Park by organized athletic groups shall be subject to the supervision of the staff of the City of Charleston Parks and Recreation Department in order to ensure proper, safe and adequate access by emergency vehicles to the residents along the access road to Danner Meadow Park, as well as to Danner Meadow Park, and to ensure residents along the said access road proper, safe and adequate access to their homes.
2. The use of Danner Meadow Park by organized athletic groups shall (i) be limited to youth groups, ages twelve and under; (ii) in the case of practices, be limited to teams belonging to a league or association primarily serving the Charleston area; (iii) in the case of games, be limited to games where, at a minimum, the home team belongs to a league or association primarily serving the Charleston area, and (iv) be limited to an area not to exceed 360 feet by 210 feet establishing at the north end of the interior portion of the existing jogging track, such area to be designated in the City of Charleston Parks and Recreation Department.
3. Organized athletic groups shall schedule use of Danner Meadow Park through the staff of the City of Charleston Parks and Recreation Department. Scheduling of the use of park shall be conducted in such a way as to ensure compliance with all applicable and binding City safety codes, regulations, policies and requirements.
4. The use of Danner Meadow Park by organized athletic

groups shall be prohibited on Sundays.

5. The use of Danner Meadow Park by any organized athletic group shall not obstruct or interfere in any way with the use by the general public of the jogging track, exercise course or playground area.
  6. Organized athletic groups shall not charge any fees in connection with the use of Danner Meadow Park.
  7. The use of Danner Meadow Park by organized athletic groups shall be limited to eighteen weeks during the period March 15 through October 31 inclusive, between the hours of 5:00 p.m. and 7:30 p.m. on Monday through Friday, and between the hours of 9:00a.m. and 5:30 p.m. on Saturday.
  8. No more than a total of two teams shall be scheduled at one time for practice or games.
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 adoption of Bill No. 6883, a roll call was taken and there were; yeas-26, nays-0, absent-1, as follows:

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

NAYS: None.

ABSENT: Harris

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 6883 passed unanimously.

## ***PLANNING***

Councilwoman Mary Jean Davis, Chairperson of the Council Committee on Planning, submitted the following reports.

1. Your Committee on Planning has had under consideration of Bill No. 6879, as amended, and reports the same to Council with the recommendation that the Bill do pass.

Bill No. 6879, a Bill amending the Zoning Ordinance of the City of Charleston, West Virginia, enacted the 7<sup>th</sup> day of March 1983, as amended, and the map made a part thereof, be rezoning from C-6 with restrictions to C-6 with restrictions, that certain parcel of land situate at South East Corner of Lee and Morris Street, Charleston, West Virginia.

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

3. The Zoning Ordinance of the City of Charleston, West Virginia, enacted the 7<sup>th</sup> day of March 1983, as amended, is hereby amended by rezoning from C-6 District with restrictions to C-6 District with restrictions, the whole of the following described parcel of land:

Parcel 160 as shown on Charleston East Tax Map No. 17 Subject parcel commonly known as the old Thomas Jefferson Jr. High parking lot, Charleston, West Virginia. Said tax map is of record in the Planning Office.

4. The use of said parcel shall be limited to a restricted accessory parking lot and a surface parking lot with landscaping.
  - 2.1 Lighting is to be low level, less than 14 feet from top of pavement.
  - 2.2 The parking lot is to be kept free of trash and debris: and
  - 2.3 Require a 5' front setback with a landscaped hedge at least 2 ½ feet in height to be located behind the sidewalk and in front of the first parking spaces running the width of the property except at the curb cut into the lot.
  - 2.4 Require a 5' rear setback landscaped buffer.
1. The Zoning Map, attached to and made a part of said Zoning Ordinance, is hereby amended in accordance to the extent of such inconsistency.
4. Agreement of the owner is recognized.
5. 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-26, nays-0, absent-1, as follows:

YEAS: Charnock, Crickenberger, Davis, Fouty-Young, Haas, 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: Harris.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 6879 passed unanimously.

2. Your Committee on Planning has had under consideration of Bill No. 6880, as amended, and reports the same to Council with the recommendation that the Bill do pass.

Bill No. 6880, a Bill amending the Zoning Ordinance of the City of Charleston, West Virginia, enacted the 7<sup>th</sup> day of March 1983, as amended, and the map made a part thereof, be rezoning from an R-4 to a C-10 district, with revised restricted land use as provided in Section 2 below, those certain parcels of land situated near Hillcrest Drive, East, 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 7<sup>th</sup> day of March 1983, as amended, is hereby amended by rezoning from R-4 district, to a C-10 district, with revised restricted land use as provided in Section 2 below, the whole of the following described parcels of land:

1. Parcel 10 as shown on North Charleston Tax Map No. 62. Subject parcel commonly known as the YMCA parking lot. Parcel purchased in 1981 and has served as a parking lot for the YMCA since 1995. Said tax map is of record in the Planning Office.
2. Parcel 11 as shown on North Charleston Tax Map No. 62. Subject parcel commonly known as Parcel "E" of a 5.7 acre tract of land, known as Pine Manor Place, on a ridge east of Ruffner Hollows, unimproved. Said tax map is as of record in the Planning Office.
3. Parcel 13 as shown on North Charleston Tax Map 62. Subject parcel commonly known as Parcel "D" of a 5.7 acre tract of land on a ridge east of Ruffner Hollow, unimproved said Tax Map is as of record in the Planning Office.

2. The subject property is hereby restricted to:

INDOOR: tennis courts, basketball courts, volleyball courts, indoor soccer arena, gymnastic area, exercise areas, fitness center, wrestling area, running track, racquetball-handball courts, squash courts, free weight training rooms, swimming natatorium, whirlpool, sauna facilities, steam rooms, locker and shower rooms for males and females, toilet rooms, storage rooms, filtration room, meeting and conference rooms, administrative offices, mechanical equipment space, nursery, pro shop, restaurant, child care; OUTDOOR: day camp shelter, playground, running track, outdoor exercise area, T-ball field, flag football field, volleyball courts, parking areas, soccer fields, as provided in the Declaration of

Covenants and Restrictions duly recorded on the        day of        , 2002, with the office of the Clerk of the County Commission, Kanawha County, West Virginia, in Deed Book        at page        .

3. The Zoning Map, attached to and made a part of said Zoning Ordinance is hereby amended in accordance with Section 1 of this ordinance.
4. 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-26, nays-0, absent-1, as follows:

YEAS: Charnock, Crickenberger, Davis, Fouty-Young, Haas, 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: Harris.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 6880 passed unanimously.

3. Your Committee on Planning has had under consideration of a new street name “South Gate Place” and for the dedication of the street attached hereto and made a part hereof,

Your Committee finds that a 2-year, 10,000.00 Maintenance Performance Bond should be received, and reports that same to Council with the recommendation that the street name be accepted and the dedication of the street be accepted upon receipt of the 2-year, \$10,000.00 Maintenance Performance Bond.

Mary Jean Davis made motion that the street dedication be tabled, with no objections from Council, the Mayor tabled the Street Dedication.

### ***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.888-01, and reports the same to Council with the recommendation that the Resolution be adopted.

Resolution No. 881-02, “ Authorizing the Mayor to enter into a contract with Environmental Services

International, Inc., in the amounts listed on the attached tabulation sheet, for asbestos inspections/testings required by the Building Commission's Office."

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 Environmental Services International, Inc., in the amounts listed on the attached tabulation sheet, for asbestos inspections/testings required by the Building Commission's office.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No.888-01 passed unanimously.

2. Your Committee on Finance has had under consideration Resolution No. 919-02, and reports the same to Council with the recommendation that the Resolution be adopted.

Resolution No. 919-02, " Authorizing the Finance Director to transfer the balance of all funds remaining in the Spring Hill Cemetery Combined Endowment Funds, Inc."

WHEREAS, the Spring Hill Cemetery Combined Endowment Funds, Inc. were established by private donations; and

WHEREAS, the Spring Hill Cemetery Mausoleum and Maintenance Fund, or Fund 52, was originally established by depositing interest earned from the Spring Hill Cemetery Combined Endowment Funds; and

WHEREAS, the Spring Hill Cemetery Commission has requested that the City transfer the balance of the funds remaining in Fund 52 to the Spring Hill Cemetery Combined Endowment Funds, Inc. so that the funds may be expended by the Spring Hill Cemetery Commission for the benefit of the Spring Hill Cemetery and Park; now, therefore

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

That the Finance Director is hereby authorized and directed to transfer the balance of all funds remaining in the Spring Hill Cemetery Mausoleum and Maintenance Fund, or Fund 52, to the Spring Hill Cemetery Combined Endowment Funds, Inc.

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, Fouty-Young, Haas, 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: Harris.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 919-02 passed unanimously.

3. Your Committee on Finance has had under consideration Resolution No. 930-02, and reports the same to Council with the recommendation that the Resolution be adopted.

Resolution No. 930-02, “ Authorizing the Finance Director to amend the 2000 Community Development Block Grant Budget grant 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 amend the 2000 Community Development Block Grant budget as indicated on the attached list of accounts. This is contingent upon no adverse citizen comments being received during the 30-day comment period required through the MOECD Citizen Participation Plan.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-25, nays-0, absent-1, as follows:

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

NAYS: None.

ABSENT: Harris.

ABSTAIN: Nielsen.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 930-02 passed unanimously.

4. Your Committee on Finance has had under consideration Resolution No. 936-02, and reports the same to Council with the recommendation that the Resolution be adopted.

Resolution No. 936-02, “ Authorizing the Mayor to enter into a contract with Pipe Plus, Inc., in the amount of \$148,427, for the 5<sup>th</sup> Avenue/6<sup>th</sup> Avenue/Iowa Street/ Parsons Court Sewer Separation project.”

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 Pipe Plus, Inc., in the amount of One Hundred Forty-eight Thousand Four Hundred Twenty-seven Dollars (148,427), for the 5<sup>th</sup> Avenue/ 6<sup>th</sup> Avenue/ Iowa Street/ parsons Court Sewer Separation Project.

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, Fouty-Young, Haas, 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: Harris.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 936-02 passed unanimously.

5. Your Committee on Finance has had under consideration Resolution No. 937-02, and reports the same to Council with the recommendation that the Resolution be adopted.

Resolution No. 937-02, “ Authorizing the Finance Director to allocate HOME Program Funds in the amount of \$51,845 for five residential rehabilitation projects.”

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 Fifty-one Thousand Eight Hundred Forty-five Dollars (\$51,845) for five residential rehabilitation projects. The projects, costs, and contractors are as follows:

West Side	- \$11, 500 - Kanawha Valley Development Group (KVDG)
South Hills	- \$ 6, 010 - K&G Enterprises
South Park Road	- \$ 12, 990 - K&G Enterprises
West Side	- \$11, 750 - KVDG
North Charleston	- \$ 9, 595 - KVDG

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, Fouty-Young, Haas, 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: Harris.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 937-02 passed unanimously.

6. Your Committee on Finance has had under consideration Resolution No. 938-02, and reports the same to Council with the recommendation that the Resolution be adopted.

Resolution No. 938-02, “ 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 he Finance Director is hereby authorized and directed to make revisions to the 2001-2002 General Fund budget as indicated on the attached list of accounts; and be it

FURTHER RESOLVED that this budgetary revision is being made prior to the expenditure or obligations

of funds for which no appropriation or insufficient appropriation currently exists.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-23, nays-0, absent-1, as follows:

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

NAYS: None.

ABSENT: Harris.

ABSTAIN: Loeb, Markham, Lane

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 938-02 passed unanimously.

7. Your Committee on Finance has had under consideration Resolution No. 939-02, and reports the same to Council with the recommendation that the Resolution be adopted.

Resolution No. 939-02, “ Authorizing the Mayor to sign an agreement with the Institute of Police Technology and Management (IPTM), in the amount of \$23,000, to provide professional, technical and other services in conducting three, 40-hour criminal investigation training courses for 30 students.”

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

That the Mayor is hereby authorized and directed to sign an agreement with the Institute of Police Technology and Management (IPTM), in the amount of Twenty-three Thousand Dollars (\$23,000), to provide amount of Twenty-three Thousand Dollars (23,000), to provide professional, technical and other services in conducting three, 40-hour criminal investigation training courses for 30 students. The training courses are as follows:

Homicide Investigation  
Advanced Gang Investigation  
Street Gangs: Identification and Investigation

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No.939-02 passed unanimously.

8. Your Committee on Finance has had under consideration Resolution No. 940-02, and reports the same to Council with the recommendation that the Resolution be adopted.

Resolution 940-02, “ Authorizing the Mayor to sign an agreement with the Institute of Police Technology and Management (IPTM), in the amount of \$ 7, 200, for a 2 ½ day, 20-hour training program in the “Investigation of Juvenile Homicides” for a class of 30 students.”

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

That the Mayor is hereby authorized and directed to sign an agreement with the Institute of Police Technology and Management (IPTM), in the amount of Seven Thousand Two Hundred Dollars (\$7,200), for a 2-1/2 day, 20-hour training program in the “Investigation of Juvenile Homicides” for a class of 30 students.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No.940-02 passed unanimously.

9. Your Committee on Finance has had under consideration Resolution No. 941-02, and reports the same to Council with the recommendation that the Resolution be adopted.

Resolution 941-02, “ Authorizing the Mayor to sign the grant application to the West Virginia Division of Criminal Justice Services for funds in the approximate amount of \$35,000 under the Juvenile Accountability Incentive Program. These funds will be utilized for programs addressing the apprehension and adjudication of juvenile offenders of serious crimes.”

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

That the Mayor is hereby authorized and directed to sign the grant application to the West Virginia Division of Criminal Justice Services for funds in the approximate amount of \$35,000 under the Juvenile Accountability Incentive Program. These funds will be utilized for programs addressing the apprehensive and adjudication of juvenile offenders of serious crimes.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No.941-02 passed unanimously.

10. Your Committee on Finance has had under consideration Resolution No. 942-02, and reports the same to Council with the recommendation that the Resolution be adopted.

Resolution No. 942-02, “ Authorizing the Mayor to sign an application to the West Virginia Division of Criminal Justice Services for grant funds for continued operation of the MDENT Program. These funds will provide for salary and overtime reimbursement costs for MDENT Drug Task Force positions.”

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

That the Mayor is hereby authorized and directed to sign an application to the West Virginia Division of Criminal Justice Services for grant funds for continued operation of the MDENT Program. These funds will provide for salary and overtime reimbursement costs for MDENT Drug Task Force positions.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No.942-02 passed unanimously.

11. Your Committee on Finance has had under consideration Resolution No. 943-02, and reports the same to Council with the recommendation that the Resolution be adopted.

Resolution No. 943-02, “ Authorizing the Mayor to sign an amendment to the Agreement with THP Limited, Inc., in the amount of \$14,500, for additional engineering services relating to leads paint removal and discovery of significant deterioration of roof columns for the Watt Powell Park Renovations Project. The amendment increases the project costs from \$12, 500 to \$ 27,000.”

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

That the Mayor is hereby authorized and directed to sign an amendment to the Agreement with THP Limited, Inc., in the amount of Fourteen Thousand Five Hundred Dollars (\$14,500), for additional engineering services relating to leads paint removal and discovery of significant deterioration of roof columns for the Watt Powell Park Renovations Project. The amendment increases the project costs from \$12, 500 to \$ 27,000.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No.943-02 passed unanimously.

12. Your Committee on Finance has had under consideration to rescind, Council’s approval to accept the bid submitted by Custom Computer Specialist, Inc., in the amount of \$6,688.54, for purchase of four computers and two scanners for the Charleston Police Department, approved by Council on January 7, 2002. The equipment was rebid in order to purchase equipment that would be more compatible with the computer setup being implemented by the City. Rescind payment from the following account: \$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, 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 bid submitted by Dell Computer Corp., in the amount of \$6,474, for purchase of four computers and two scanners for the Charleston Police Department. Two computers and one scanner will be utilized by the Police Department’s CID unit and one computer and one scanner will be utilized in the Grants office in support of domestic violence awareness and enforcement efforts. The remaining computer will be used in the Grants office in support of drug enforcement and forfeiture activities. To be charged to the following accounts: \$4,892 - 39-178-97-5-0-059, Police Pro-Arrest Domestic Violence Grant, \$1,582 - 29-173-0-0-4-059, Police MDENT Forfeiture Assets, 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.

14. Your Committee on Finance has had under consideration a bid submitted by Data911, in the amount of \$63,900, for purchase of 12 mobile modular computers (\$5,325 each) to be used in the new police cruisers for electronic access to the Charleston Police Department’s Records system and the WVDMV/WV State Police Systems. To be charged to the following accounts: \$47, 964 - 39-178-97-6-0-59, Police—COPS

MDT Grant, \$15,936 - 31-299-0-0-4-59, Police 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.

15. Your Committee on Finance has had under consideration a proposal submitted by MCSi, in the amount of \$3,675, for purchase of one LCD Projector for use in constructing NHTSA Child Passenger Safety courses by the Police Highway Safety Office. To be charged to Account No. 39-175-00-4-0-38, Police Highway Safety 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.

16. Your Committee on Finance has had under consideration a bid submitted by Electronic Services, Inc., in the amount of \$6,411.20, for purchase of eight (8) Kenwood TK-790 mobile radios to be used in vehicles operated by the Criminal Investigation Division of the Charleston Police Department. To be charged to Account No. 31-299-0-0-4-59, Police 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.

17. Your Committee on Finance has had under consideration a bid submitted by Dill's Fire & Safety Equipment Co., Inc., in the amount of \$27,818, for purchase of a Hydraulic Rescue Tool System (Jaws of Life) to be used by the Charleston Fire Department. To be charged to Account No. 25-001-00-054, CDBG-Neighborhood Facilities, 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, Fouty-Young, Haas, Henry, Jones, Kimberling, Knauff, Lane, David Lanham, James Lanham, Loeb, Lopez, Markham, McKnight, Molgaard, Morton, Nielsen, Petry, Prunty, Quick, Reishman, Roller, Talkington and Mayor Goldman.

NAYS: None.

ABSENT: Harris.

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

18. Your Committee on Finance has had under consideration a proposal submitted by Gregory Highway Products, in the amount of \$7,454.25, for purchase of guardrail and posts for stockpiling at the Street Department. To be charged to Account No. 01-750-0-0-3-041, Street-materials & 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.

19. Your Committee on Finance has had under consideration a proposal submitted by Contech Construction Products, in the amount of \$3,896.56, for purchase of pipe and related materials for stockpiling at the Street Department. To be charged to Account No. 01-750-0-0-3-041, Street-Materials & 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.

20. Your Committee on Finance has had under consideration a payment of an invoice from Trimble & Associates, in the amount of \$15,000, for arbitrage rebate calculations for City of Charleston outstanding bond issues and preparation of reports and opinion letters for same. To be charged to Account No. 01-412-0-0-2-023, City Manager-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.

21. Your Committee on Finance has had under consideration a payment of invoice from West Virginia Health Right, Inc., in the amount of \$7,474.56, for medications and medical supplies. 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-26, nays-0, absent-1, as follows:

YEAS: Charnock, Crickenberger, Davis, Fouty-Young, Haas, 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: Harris.

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

22. Your Committee on Finance has had under consideration a payment of invoice from MMI- Federal Marketing Service in the amount of \$6,858, for gymnasium equipment at the North Charleston Community Center. To be charged to Account No. 25-000-00-059, CDBG-P&R/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, Fouty-Young, Haas, 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: Harris.

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

23. Your Committee on Finance has had under consideration a payment of invoice from Clingenpeel/McBayer and Associates, in the amount of \$4,106.04, for professional services regarding the Kanawha Boulevard Lighting project. To be charged to Account No. 31-098-00-01, Rental Rehabilitation–Administration, 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, Fouty-Young, Haas, 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: Harris.

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

24. Your Committee on Finance has had under consideration a payment of invoice from PDM Associates, Inc., in the amount of \$7,511, for professional services rendered for the architectural study of the Tiskelwah Center. To be charged to Account No. 25-001-00-013, CDBG–Planning , 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, Fouty-Young, Haas, 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: Harris.

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

25. Your Committee on Finance has had under consideration a payment of invoice from Gateway, in the amount of \$19,437.95, for purchase of computers, printers and related licenses for the opportunities Industrialized Center. 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-26, nays-0, absent-1, as follows:

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

NAYS: None.

ABSENT: Harris.

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

26. Your Committee on Finance has had under consideration a payment of invoice from Good as Gold Promo, LLC, in the amount of \$4,000, for purchase of 3,200 five-inch brown monkeys with natural vest and embroidered face for distribution at child seat checkpoints and other related events. These items were ordered by the West Virginia State Highway Safety Office and invoiced to the Charleston Police Department. To be charged to Account No. 39-175-01-4-0-38, Police Highway Safety 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.

27. Your Committee on Finance has had under consideration a payment of invoice from Royal Oldsmobile, in the amount of \$4,211.40, for repair of Police Unit #201, damaged while in pursuit of suspect on November 29, 2001. To be charged to Account No. 01-700-0-0-2-17, Police–Maintained & Repair/Vehicles, 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.

## **REPORTS OF OFFICERS**

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

## NEW BILLS INTRODUCED

Introduced by Councilman Ed Talkington, on March 4, 2002:

**1. Bill No. 6884**, a Bill amending the Zoning Ordinance of the City of Charleston, West Virginia, enacted the 7<sup>th</sup> day of March 1983, as amended, and the map made a part thereof, being a rezoning from R-8 to C-6 of that certain parcel of land situate at 211, 213 & 215 Wyoming Street and 308, 310 and 312 Ohio Avenue, Charleston, West Virginia.

**Refer to Municipal Planning Commission.**

Introduced by Councilwoman Mary Jean Davis, on March 4, 2002:

**2. Bill No 6885**, a Bill approving certain modification of the Downtown/Old Charleston Urban Renewal Plan for the City of Charleston with respect to: Requiring Special Permit for use of factory built structures for commercial purposes.

**Refer to Urban Renewal Committee.**

Introduced by Councilwoman Mary Jean Davis, on March 4, 2002:

**3. Bill No 6886**, a Bill approving certain modification of the West Side Urban Renewal Plan for the City of Charleston with respect to: Requiring Special Permit for use of factory built structures for commercial purposes.

**Refer to Urban Renewal Committee.**

Introduced by Councilwoman Mary Jean Davis, on March 4, 2002:

**4. Bill No 6887**, a Bill approving certain modification of the Washington Street, East Urban Renewal Plan for the City of Charleston with respect to: Requiring Special Permit for use of factory built structures for commercial purposes.

**Refer to Urban Renewal Committee.**

Introduced by Councilwoman Mary Jean Davis, on March 4, 2002:

**5. Bill No 6888**, a Bill approving certain modification of the Washington Street, West Urban Renewal Plan for the City of Charleston with respect to: Requiring Special Permit for use of factory built structures for commercial purposes.

**Refer to Urban Renewal Committee.**

Introduced by Councilman Patrick Jones, on March 4, 2002:

**6. Bill No. 6889**, a Bill to establish a vehicular parking zone for the exclusive use of the physically disabled on the northerly side of 5<sup>th</sup> Avenue from a point 80 feet east of 35<sup>th</sup> Street to a point 102 feet east of 35<sup>th</sup> Street to provide for the removal of vehicles illegally parked in these spaces, to incorporate the provisions of West Virginia Code, Chapter 17C, Article 13, Section 16, and amending the Traffic Control Map and Traffic Control File.

**Refer to Streets and Traffic Committee.**

Introduced by Councilman Ryan Henry, on March 4, 2002:

**7. Bill No. 6890**, a Bill to establish a vehicular parking zone for the exclusive use of the physically disabled on the easterly side of Beauregard from a point 20 feet south of Lee Street E. to a point 42 feet south of Lee Street E. to provide for the removal of vehicles illegally parked in these spaces, to incorporate the provisions of West Virginia Code, Chapter 17C, Article 13, Section 16, and amending the Traffic Control Map and Traffic Control File.

**Refer to Streets and Traffic Committee.**

Introduced by Councilman Ryan Henry, on March 4, 2002:

**8. Bill No. 6891**, a Bill to establish a vehicular parking zone for the exclusive use of the physically disabled on the southerly side of Lee St. E., from a point 30 feet east of Beauregard Street to a point 74 feet east of Beauregard Street to provide for the removal of vehicles illegally parked in these spaces, to incorporate the provisions of West Virginia Code, Chapter 17C, Article 13, Section 16, and amending the Traffic Control Map and Traffic Control File.

**Refer to Streets and Traffic Committee.**

Introduced by Councilman Ryan Henry, on March 4, 2002:

**9. Bill No. 6892**, a Bill to repeal Ordinance No. 2380 passed by Council on March 6, 1979, relating to a Metered Handicap Parking zone for two hours from 8AM to 6PM on the easterly side of Elizabeth Street in a space 180 feet north of the intersection of Elizabeth and Washington Street and amending the Traffic Control Map and Traffic Control File.

**Refer to Streets and Traffic Committee.**

Introduced by Councilman Larry Roller, on March 4, 2002:

**10. Bill No. 6893**, a Bill to amend and re-enact Ordinance No. 6839 passed by Council August 20, 2001, establishing a two hour parking tow-away zone on the westerly side of Carroll Road from a point 48 feet north of Oakwood Road to a point 275 feet north of Oakwood Road and a No Parking Anytime Tow-away zone on the easterly side of Carroll Road from Oakwood Road to a point 275 feet north of Oakwood Rd. and amending the Traffic Control Map and Traffic Control File.

**Refer to Streets and Traffic Committee.**

**UNFINISHED OR MISCELLANEOUS BUSINESS**

1. The Mayor introduced Delores Martin, as the new Assistant City Attorney.
2. Janet Matthews from MOECD spoke to Council about the CDBG Budget.
3. Les Smith from the Charleston Fire department gave a 10 minute presentation about concerns that

some of the firemen share on staffing issues.

## **ROLL CALL**

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

YEAS: Charnock, Crickenberger, Davis, Fouty-Young, Haas, 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: Harris.

At 9:15 p.m., on motion of Councilman Loeb, Council adjourned until 7:00 p.m., Monday, March 18, 2002.

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Jay Goldman, Honorable Mayor

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James M. Reishman, City Clerk

