

JOURNAL

OF THE

COUNCIL

CITY OF CHARLESTON

WEST VIRGINIA

MAY 20, 2002

THE COUNCIL MET IN CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE SECOND MEETING IN THE MONTH OF MAY ON THE 20TH 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 KEN MCKNIGHT.

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

LOEB

MCKNIGHT

NIELSEN

QUICK

TALKINGTON

DAVIS

HARRIS

KIMBERLING

LOPEZ

MOLGAARD

PETTRY

REISHMAN

TWENTY-FOUR MEMBERS BEING PRESENT, THE MAYOR DECLARED A QUORUM.

MAY 20, 2002, SECOND MEETING

CHARLESTON CITY COUNCIL JOURNAL MAY 20, 2002

PUBLIC SPEAKERS

1. NONE.

CLAIMS

1.A claim of Edith Cantrell, 135 East Point Drive, Charleston, WV.; alleges damage to property;
Refer to City Solicitor.

2.A claim of Tyronna Jean Mckinstry, 5315 Washington Ave., SE, Charleston, WV.; alleges damage to
property;
Refer to City Solicitor.

COMMUNICATIONS

NONE.

STREETS AND TRAFFIC

Councilwoman Ditty Markham, member of the Council Committee on Streets and Traffic, in
Beth Fouty-Young's absence submitted the following reports.

1. Your Committee on Streets and Traffic has had under consideration Bill No. 6900, and reports the
same to Council with the recommendation that the Bill do pass.

Bill No. 6900, a Bill to establish Residential Permit Parking on Quarrier Street between California
Avenue and Michigan Avenue between the hours of 8:00 am and 6:00 pm Monday through Friday and
amending the Traffic Control Map and Traffic Control File, established by the Code of the City of
Charleston, West Virginia, one thousand nine hundred seventy-five, as amended, Traffic Law, Chapter
thirty-one, Article three, to conform therewith.

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

Section 1. The requirements of Section 31-208.1 of the City code having been met, Residential Permit Parking is hereby established on Quarrier Street between California Avenue and Michigan Avenue between the hours of 8:00 am and 6:00 pm Monday through Friday.

Section 2. All existing traffic and parking control provisions in the Residential Permit Parking area remain in effect.

The question being on the passage of the Bill a roll call was taken and there were; yeas-24, nays-0, absent-3, as follows:

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

ABSENT: Fouty-Young, Lane, David Lanham.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 6900 passed unanimously.

2. Your Committee on Streets and Traffic has had under consideration Bill No. 6901, and reports the same to Council with the recommendation that the Bill do pass.

Bill No. 6901, a Bill to establish Residential Permit Parking on Lee Street East between Brooks Street and Morris Street 24 hours a day, seven days a week and amending the Traffic Control Map and Traffic Control File, established by the Code of the City of Charleston, West Virginia, one thousand nine hundred seventy-five, as amended, Traffic Law, Chapter thirty-one, Article three, to conform therewith.

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

Section 1. The requirements of Section 31-208.1 of the City code having been met, Residential Permit Parking is hereby established on Quarrier Street between California Avenue and Michigan Avenue between the hours of 8:00 am and 6:00 pm Monday through Friday.

Section 2. All existing traffic and parking control provisions in the Residential Permit Parking area remain in effect.

The question being on the passage of the Bill a roll call was taken and there were; yeas-24, nays-0, absent-3, as follows:

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

ABSENT: Fouty-Young, Lane, David Lanham.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 6901 passed unanimously.

FINANCE

Councilman Larry Roller, Chairman of the Council Committee on Finance, submitted the following reports.

1. Your Committee on Finance has had under consideration Resolution No. 981-02, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 981-02 - Authorizing the Mayor to enter into a contract with Syscan Corporation, in the amount of \$44,293.47, for redesign of the City Collector's office and purchase of workstations and related furnishings for the restructured 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 Syscan Corporation, in the amount of Forty-four Thousand Two Hundred Ninety-three Dollars and Forty-seven Cents (\$44,293.47), for redesign of the City Collector's office and purchase of workstations and related furnishings for the restructured office.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No.981-02 adopted unanimously.

2. Your Committee on Finance has had under consideration Resolution No. 982-02, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 982-02 - Authorizing the Mayor to enter into an agreement with the Division of Criminal Justice Services to receive and administer grant funds in the amount of \$68,400 for the Violence Against

Women Program.@

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

That the Mayor is hereby authorized and directed to enter into an agreement with the Division of Criminal Justice Services to receive and administer grant funds in the amount of Sixty-eight Thousand Four Hundred Dollars (\$68,400) for the Violence Against Women Program.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No.982-02 adopted unanimously.

3. Your Committee on Finance has had under consideration Resolution No. 983-02, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 983-02 - AAuthorizing the Mayor to enter into a lease agreement with Stephens Auto Center, in the amount of \$566.33 per month for 36 months, for the lease4 of a 2002 Dodge Durango to be used by the Director of Emergency 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 a lease agreement with Stephens Auto Center, in the amount of Five Hundred Sixty-six Dollars and Thirty-three Cents (\$566.33) per month for 36 months, for the lease of a 2002 Dodge Durango to be used by the Director of Emergency Services.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No.983-02 adopted unanimously.

4. Your Committee on Finance has had under consideration Resolution No. 985-02, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 985-02 - AAuthorizing the Mayor to sign a West Virginia Economic Development Grant, Capital Improvement and Infrastructure Projects application for the acquisition and construction of a New Baseball Stadium (see attached project sources and uses).@

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

That the Mayor is hereby authorized and directed to sign a West Virginia Economic Development Grant, Capital Improvement and Infrastructure Projects application for the acquisition and construction of a

New Baseball Stadium (see attached project sources and uses).

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No.985-02 adopted unanimously.

5. Your Committee on Finance has had under consideration Resolution No. 986-02, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 986-02 - Authorizing the Mayor to enter into a one year contract with Verizon to provide services for the City's Centrex telephones lines, at the rate of \$11.80 per line, for the period May 1, 2002 through April 30, 2003, with the option to renew the contract for two additional years, at the same rate quoted above, by giving a 30-day written notice prior to the end of each on year period.®

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 one year contract with Verizon to provide services for the City's Centrex telephones lines, at the rate of Eleven Dollars and Eighty Cents (\$11.80) per line, for the period May 1, 2002 through April 30, 2003, with the option to renew the contract for two additional years, at the same rate quoted above, by giving a 30-day written notice prior to the end of each on year period.®

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No.986-02 adopted unanimously.

6. Your Committee on Finance has had under consideration Resolution No. 987-02, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 987-02 - Authorizing the settlement in the amount of \$59,262.61 to settle claims for property and personal injury and all other damages to Gurphreet Gill, Bhupinder Gill, Rhupinder Gill and Rimi Gill, resulting from a car accident involving a Charleston Police cruiser which occurred on May 23, 2000. This settlement represents a release of any and all claims resulting from said accident.®

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

That the payment of \$59,262.61, is hereby authorized and approved to be paid to Gurphreet Gill, Bhupinder Gill and Rimi Gill, resulting from a car accident involving a Charleston Police cruiser which occurred on May 23, 2000. This settlement represents a release of any and all claims resulting from said accident.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No.987-02 adopted unanimously.

7. Your Committee on Finance has had under consideration Resolution No. 988-02, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 988-02 - Authorizing the Finance Director to amend the 2001 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.@

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 2001 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-24, nays-0, absent-3, as follows:

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

ABSENT: Fouty-Young, Lane, David Lanham.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 988-02 adopted unanimously.

8. Your Committee on Finance has had under consideration Resolution No. 989-02, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 989-02 - Authorizing the Finance Director to allocate funds in the amount of \$171,095.74 for purchase and closing costs of a multi-family structure in the East End of Charleston.@

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

That the Finance Director is hereby authorized and directed to allocate funds in the amount of One Hundred Seventy-one Thousand Ninety-five Dollars and Seventy-four Cents (\$171,095.74) for purchase and closing costs of a multi-family structure in the East End of Charleston.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-24, nays-0, absent-3, as follows:

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

ABSENT: Fouty-Young, Lane, David Lanham.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 989-02 adopted unanimously.

9. Your Committee on Finance has had under consideration Resolution No. 990-02, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 990-02 - Authorizing the Finance Director to allocate funds in the amount of \$48,650 for rehabilitation of five (5) projects in the City of Charleston.@

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

That the Finance Director is hereby authorized and directed to allocate funds in the amount of Forty-eight Thousand Six Hundred Fifty Dollars (\$48,650) for rehabilitation of five (5) projects in the City of Charleston. The projects are located in the following areas:

<u>Location</u>	<u>Amount</u>	<u>Contractor</u>
South Hills	\$ 8,200	Kanawha Valley Development
East End	10,500	Kanawha Valley Development
North Charleston	8,500	Steve=s Home Improvement
North Charleston	12,950	Kanawha Valley Development
South Side	8,500	Kanawha Valley Development

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-24, nays-0, absent-3, as follows:

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

ABSENT: Fouty-Young, Lane, David Lanham.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 990-02 adopted unanimously.

10. Your Committee on Finance has had under consideration a bid submitted by Dell Marketing, in the amount of \$8,800, for purchase of five (5) PCs and One (1) Server to be used by the Equipment

Maintenance Department. To be charged to Account No. 01-754-0-0-4-059, Equipment Maintenance **B**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.

11. Your Committee on Finance has had under consideration a bid submitted by Dell Marketing, in the amount of \$23,261.38, for purchase of an exchange server and software for the Information Systems Department. To be charged to account No. 01-439-0-0-4-059, Information Systems **B**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.

12. Your Committee on Finance has had under consideration a bid submitted by Dell Marketing, in the amount of \$7,970, for purchase of a WEAPON Server to allow The Charleston police Department, and other officers statewide, continued access and interaction with the West Virginia Automated Police Network (WEAPON). To be charged to account No. 39-178-97-5-0-59, Police **B**Domestic Violence Pro- Arrest 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.

13. Your Committee on Finance has had under consideration a proposal submitted by Flint Trading, Inc., in the amount of \$4,958, for purchase of Premark to be used in the Paint and Sign Shop for various projects. To be charged to account No. 01-750-0-0-3-041, Street **B**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.

14. Your Committee on Finance has had under consideration a proposal submitted by Lyle Sign, in the amount of \$4,844.25, for purchase of sign sheeting, reflective sheeting, and aluminum sign blanks to be used in the Paint and Sign Shop for projects throughout the City. To be charged to Account No. 01-750-0-0-3-041, Street **B**Material & 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.

15. Your Committee on Finance has had under consideration a bid submitted by Gateway Paint, in the amount of \$17,622, for purchase of 1485 gallons of white traffic marking paint \$4.45 per gallon, and 2475 gallons of yellow traffic marking paint at \$4.45 per gallon to be used in the paint striper by the Street Department. To be charged to Account No. 01-750-0-0-3-041, Street Department-- 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.

16. Your Committee on Finance has had under consideration a bid submitted by miracle Recreation Equipment Company, Inc., in the amount of \$11,851, for purchase of bleachers to be installed for the Tennis Court areas at the Kanawha City Recreation Center. Installation of the bleachers will be provided in-house by the Parks & Recreation Department. To be charged to Account No. 58-900-0-0-4-060, P & RB 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.

17. Your Committee on Finance has had under consideration a payment on an invoice from West Virginia Radio Corporation, in the amount of \$3,569.60, for police recruiting ads (30/week for four weeks) on WKicks 96" and 98.7 Radio. To be charged to Account No. 01-700-0-0-2-020, Police Department Advertising, 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.

18. Your Committee on Finance has had under consideration a payment of an invoice from Environmental Services International, Inc., in the amount of \$5,161.11, for asbestos inspections of Multi-Family Structure in the City's East End. To be charged to Account No. 25-001-00-006, CDBG Acquisition of Property, 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-24, nays-0, absent-3, as follows:

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

ABSENT: Fouty-Young, Lane, David Lanham.

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

19. Your Committee on Finance has had under consideration a payment of an invoice from Environmental Design Group, in the amount of \$9,043.57, for professional services associated with the Florida Street Design Project. To be charged to Account No. 25-098-00-011, CDBGB 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-24, nays-0, absent-3, as follows:

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

ABSENT: Fouty-Young, Lane, David Lanham.

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

20. Your Committee on Finance has had under consideration a A payment of an invoice from R&T Speciality, in the amount of \$4,289.95, for purchase of 1,100 D.A.R.E. T-shirts to be provided to students completing the D.A.R.E. Program, taught by the Charleston Police Department in area schools. To be charged to Account No. 41-041-4-0-3-41, Police BDonations, 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 A payment of an invoice from Clingenpeel/McBrayer and Associates, Inc., in the amount of \$7,068.01, for professional services relating to the Kanawha Boulevard Lighting Project during the month of March 2002. To be charged to Account No. 32-098-0-1-0-99, Rental Rehabilitation Program, 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-24, nays-0, absent-3, as follows:

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

ABSENT: Fouty-Young, Lane, David Lanham.

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

REPORTS OF OFFICERS

1. City of Charleston Financial Statements for the Ten - Month Period Ended April 30, 2002;
Received and Filed.

2. City Treasurer's Report to City Council Month Ending April 2002;
Received and Filed.

NEW BILLS INTRODUCED

Introduced by Councilwoman Mary Jane Lopez and Mary Jean Davis, on May 20, 2002:

1. Bill No. 6910, a Bill to amend and re-enact section six, chapter eighteen of the code of the City of Charleston, one thousand nine hundred twenty-nine, as amended, relating to the prohibition against persons or animals under their control from befouling or disturbing public property or the property of another so as to create a hazardous, unhealthy, or physically offensive condition.
Refer to Rules and Ordinances Committee.

Introduced by Councilman David Molgaard, on May 20, 2002:

2. Bill No. 6915, a Bill amending and re-enacting the City of Charleston Drug and Alcohol Testing Policy to give Authority and discretion to the Director of Human Resources, upon approval from the City Manager, to determine which employee positions qualify as Covered employees and thus subject to testing.
Refer to Rules and Ordinances Committee and Committee on City Employees.

Introduced by Councilwoman Linda Nielsen, on May 20, 2002:

3. Bill No. 6911, a Bill authorizing the Mayor of the City of Charleston (ACity@), through his legal counsel, to file a petition with the West Virginia Public Service Commission (APSC@) for approval of

special rates for acceptance of waste tires.
Refer to Finance Committee.

Introduced by the following Councilmembers Linda Nielsen, Howard Quick, Mary Jean Davis, Bill Kimberling, and Bobby Haas, on May 20, 2002:

4. Bill No. 6916, a Bill amending and re-enacting Chapter 13, Article II, Section 21 of the Charleston City Code to increase refuse collection rates.

Refer to Environment and Recycling Committee and Finance Committee.

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

ABSENT: Fouty-Young, Lane, David Lanham.

At 7:30 p.m., on motion of Councilman Loeb, Council adjourned until 7:00 p.m., Monday, June 3, 2002.

Jay Goldman, Honorable Mayor

James M. Reishman, City Clerk