

JOURNAL

OF THE

COUNCIL

CITY OF CHARLESTON

WEST VIRGINIA

MAY 6, 2002

THE COUNCIL MET IN CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE FIRST MEETING IN THE MONTH OF MAY ON THE 1ST 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 NANCY DODSON.

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

**CHARNOCK
FOUTY-YOUNG**

**KNAUFF
JAMES LANHAM
MARKHAM
MORTON
PRUNTY
ROLLER
MAYOR GOLDMAN**

**CRICKENBERGER
HAAS
JONES
LANE
LOEB
MCKNIGHT
NIELSEN
QUICK
TALKINGTON**

**DAVIS
HARRIS
KIMBERLING
LOPEZ
MOLGAARD
PETTRY
REISHMAN**

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

PENDING THE READING OF THE JOURNAL OF THE PREVIOUS MEETING, THE READING THEREOF WAS DISPENSED WITH AND THE SAME DULY APPROVED.

**MAY 6, 2002, FIRST MEETING
CHARLESTON CITY COUNCIL JOURNAL MAY 6, 2002**

PUBLIC SPEAKERS

1. NONE.

CLAIMS

1.A claim of Angela H. Carney,724 York Ave., Charleston, WV.; alleges damage to vehicle;
Refer to City Solicitor.

2.A claim of Elizabeth Workman, 1208 Crescent Rd., Charleston, WV.; alleges personal injury;
Refer to City Solicitor.

3.A claim of Peggy L. Fultz, Charleston, WV.; alleges personal injury;
Refer to City Solicitor.

COMMUNICATIONS

PROCLAMATIONS

FOUR FOLLOWING

APPOINTMENTS

ONE FOLLOWING

MISCELLANEOUS RESOLUTIONS

NONE.

REPORTS OF STANDING COMMITTEES

PLANNING

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

1. Your Committee on Planning has had under consideration Bill No.6895, and reports the same to Council with the recommendation that the bill do pass.

Bill No. 6895, as amended, a Bill amending the Zoning Ordinance of the City of Charleston by amending the definition of manufactured structure to include commercial or business uses and creating provisions for manufactured structures for commercial or business uses as a special permit use.

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

The Zoning Ordinance of the City of Charleston, West Virginia enacted the 7th day of March 1983, as amended, is hereby amended by amending the definition of manufactured structure to include commercial or business uses and creating provisions for manufactured structures for commercial or business uses as a special permit use. The new provisions shall read as follows:

1) Amend the following definitions in Section 2-2 Definition of terms, the amended definitions to read as follows:

AFactory-built home or Factory-built housing@ Shall include the terms Amobile home@ and Amanufacture home or structure@

AManufactured home or structure@ A structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width or forty body feet or more in length or when erected on sight, is three hundred twenty or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling for residential, commercial, business or institutional purposes with or without permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein which meets the National Manufactured Housing Construction and

Safety Standards Act of 1974 (42 U.S.C. 885401 et seq.), effective on the fifteenth day of June one thousand nine hundred seventy-six, and federal manufactured home construction and safety standards and regulations promulgated by the Secretary of the United States Department of Housing and Urban Development. The term Manufactured home or structure does not include ~~commercial trailers, job site trailers, or temporary classroom trailers or structures.~~

2) In ARTICLE 4: R-2, SINGLE-FAMILY RESIDENTIAL DISTRICT:

Section 4-4 Special Permit Uses- add subsection:

4-4 (s) Manufactured home or structure

3) In ARTICLE 5: R-4, SINGLE-FAMILY RESIDENTIAL DISTRICT:

Section 5-4 Special Permit Uses- amend subsection:

5-4 (u) Manufactured home or structure

4) In ARTICLE 6: R-6, MEDIUM DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT:

Section 8-4 Special Permit Uses- amend subsection:

8-4 (p) Manufactured home or structure

5) In ARTICLE 7: R-8, MEDIUM DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT:

Section 8-4 Special Permit Uses- amend subsection:

8-4 (l) Manufactured home or structure

6) In ARTICLE 8: R-10, HIGH DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT:

Section 8-4 Special Permit Uses- amend subsection:

8-4 (l) Manufactured home or structure

7) In ARTICLE 9: R-O, RESIDENTIAL OFFICE DISTRICT:

Section 9-4 Special Permit Uses- amend subsection:

9-4 (l) Manufactured home or structure

8) In ARTICLE 10: C-4, NEIGHBORHOOD COMMERCIAL DISTRICT:

Section 10-4 Special Permit Uses- add subsection:

10-4 (g) Manufactured home or structure

9) In ARTICLE 11: C-6, COMMUNITY COMMERCIAL DISTRICT:

Section 11-4 Special Permit Uses- add subsection:

11-4 (g) Manufactured home or structure

10) In ARTICLE 12: C-8, VILLAGE COMMERCIAL DISTRICT:

Section 12-4 Special Permit Uses- add subsection:

12-4 (d) Manufactured home or structure

11) In ARTICLE 13: C-10, GENERAL COMMERCIAL DISTRICT:

Section 13-4 Special Permit Uses- add subsection:

13-4 (h) Manufactured home or structure

12) In ARTICLE 14: I-2, LIGHT INDUSTRIAL DISTRICT:
Section 14-4 Special Permit Uses- add subsection:

14-4 (g) Manufactured home or structure

13) In ARTICLE 15: I-4, HEAVY INDUSTRIAL DISTRICT:
Section 15-4 Special Permit Uses- add subsection:

15-4 (h) Manufactured home or structure

14) In ARTICLE 20: SPECIAL PERMIT USES:
Section 20-3 Requirements- amend subsection:

(m.2) Manufactured Home or Structure

- (1) Manufactured housing or structures shall be similar in appearance to existing homes or structures in the immediate area of a proposed manufactured home or structure. The Municipal Planning Commission shall review the aesthetics of a proposed manufactured home or structure based upon the following:
 - (a) siding materials proposed for the home or structure.
 - (b) The overall size of the home or structure.
 - (c) The orientation of the home or structure in regards to street frontage and adjacent structures.
 - (d) Roof materials for the proposed home or structure.
 - (e) The general architectural appearance of the proposed home or structure.
- (2) The minimum permitted width of the main body of the manufactured home is 22 feet
- (3) The minimum permitted length of the main body of the manufactured home is 40 feet.
- (4) The minimum permitted size of the manufactured home for residential use is 800 square feet of enclosed living space. Manufactured structures for commercial, business, or institutional uses shall not have a minimum permitted size.
- (5) All manufactured homes or structures located outside of a factory-built home park ~~on a residential lot~~ must be fixed to a permanent perimeter foundation of masonry construction that meets the current City of Charleston building code. shall be either:
 - (a) affixed to a permanent perimeter masonry foundation that meets the current City of Charleston building codes, or
 - (b) affixed to a masonry pier foundation with a perimeter wall placed on a concrete footer that meets the current City of Charleston building codes.

- (6) All tow bars, hitches, wheels, and axles, must be removed from the manufactured home or structure once it is placed on its permanent foundation.
- (7) Roofs of proposed manufactured homes or structures must have a minimum 3:12 pitch. Permissible roof materials include wood, asphalt, or fiberglass shingles, concrete, fiberglass, slate or metal tiles, or other materials deemed appropriate by the Municipal Planning Commission. A minimum roof overhang of six (6) inches and standard residential gutters are required.

15) The TABLE OF PERMITTED USES is hereby amended to conform with Section 1 above.

16) All prior ordinances, or parts of ordinances, inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

The question being on the passage of the Bill a roll call was taken and there were; yeas-25, nays-0, absent-2, 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 and Mayor Goldman.

NAYS: None.

ABSENT: David Lanham, Henry.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No.6895, as amended, 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. 961-02, and reports the same to Council with the recommendation that the Resolution be adopted.

Resolution No. 961-02 - ~~A~~Authorizing the Mayor to enter into a contract with Buchart-Horn, Inc., in the amount of \$93,204, to provide engineering/architectural services for the Bridge Road Retaining Wall 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 Buchart-Horn, Inc., in

the amount of Ninety-three Thousand Two Hundred Four Dollars (\$93,204), to provide engineering/architectural services for the Bridge Road Retaining Wall Project.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No.961-02 adopted unanimously.

2. Your Committee on Finance has had under consideration Resolution No. 970-02, and reports the same to Council with the recommendation that the Resolution be adopted.

Resolution No. 970-02 - A Subject to Traffic Engineer determining the maximum allowable spaces, authorizing the Mayor to enter into a Lease Agreement with Dandy Brothers, LLC, for parking spaces alongside the building at 38th Street, at or near the intersection of 38th Street and MacCorkle Avenue, S.E., consisting of 2,200 square feet, more or less; and further authorizing the price for said Lease to be set at \$40.00 per parking space per month, for an annual fee of \$480.00 per space. The Lease shall be for a one year period beginning May 1, 2002 and ending April 30, 2003, with the option to renew at the end of the one year period, unless canceled by either party by giving a sixty (60) day written notice prior to the end of the lease 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 Lease Agreement with Dandy Brothers, LLC, for parking spaces alongside the building at 38th Street, at or near the intersection of 38th Street and MacCorkle Avenue, S.E., consisting of 2,200 square feet, more or less; and further authorizing the price for said Lease to be set at \$40.00 per parking space per month, for an annual fee of \$480.00 per space. The Lease shall be for a one year period beginning May 1, 2002 and ending April 30, 2003, with the option to renew at the end of the one year period, unless canceled by either party by giving a sixty (60) day written notice prior to the end of the lease period.

A public hearing concerning the Lease Agreement between the City of Charleston and Dandy Brothers, LLC, has been conducted pursuant to Chapter 8, Article 12, Section 18 of the West Virginia Code.

ABSTAIN: Mayor Goldman

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No.970-02 adopted unanimously.

3. Your Committee on Finance has had under consideration Resolution No. 972-02, and reports the same to Council with the recommendation that the Resolution be adopted.

Resolution No. 972-02 - A Approving and authorizing the Mayor to sign a Memorandum of Understanding between the Charleston Professional Baseball Club, LLC, dba Charleston Alley Cats, and the City of Charleston, West Virginia, setting forth terms and conditions of the respective parties to enter into a twenty (20) year lease agreement providing for the construction of a new baseball stadium in the City of Charleston.@

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

That the Mayor is hereby authorized and directed to execute on behalf of the City of Charleston a Memorandum of Understanding between the Charleston Professional Baseball Club, LLC, dba Charleston Alley Cats, and the City of Charleston, West Virginia, setting forth terms and conditions of the respective parties to enter into a twenty (20) year lease agreement providing for the construction of a new baseball stadium in the City of Charleston. The Memorandum of Understanding shall be in substantially the form attached to this Resolution, with such minor changes as may be approved by the Mayor, as evidenced by his execution thereof.

insert memo of understanding

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No.972-02 adopted unanimously.

4. Your Committee on Finance has had under consideration Resolution No. 973-02, and reports the same to Council with the recommendation that the Resolution be adopted.

Resolution No. 973-02 - Authorizing the Mayor to enter into an agreement with the Institute of Police Technology and Management (IPTM), in the amount of \$7,500, for the presentation of a 5-day, 40-hour training program entitled Interview and Interrogation for 30 police officers from the Charleston Police Department and other agencies throughout the area.

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 Institute of Police Technology and Management (IPTM), in the amount of \$7,500, for the presentation of a 5-day, 40-hour training program entitled Interview and Interrogation for 30 police officers from the Charleston Police Department and other agencies throughout the area.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No.973-02 adopted unanimously.

5. Your Committee on Finance has had under consideration Resolution No. 974-02, and reports the same to Council with the recommendation that the Resolution be adopted.

Resolution No. 974-02 - Authorizing the Mayor to enter into an Agreement with Fletcher Data Systems, Inc., in the amount of approximately \$12,061 per year, for the PS-2000 CLAWS application software modules, warrant server and the UNIX operating system for the Charleston Police Department.@

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 Fletcher Data Systems, Inc., in the amount of approximately \$12,061 per year, for the PS-2000 CLAWS application software modules, warrant server and the UNIX operating system for the Charleston Police Department. The amended terms of the Agreement calls for the City to pay quarterly amounts and has a cancellation clause that allows the City to cancel the Agreement at the end of any quarter as long as cancellation is received within thirty days of the end of the quarter.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No.974-02 adopted unanimously.

6. Your Committee on Finance has had under consideration Resolution No. 976-02, and reports the same to Council with the recommendation that the Resolution be adopted.

Resolution No. 976-02, Authorizing the Mayor to sign and submit to the U.S. Department of Housing and Urban Development the 2002 Community Development Block Grant Action Plan and all required agreements relating to the 2002 Program Year.@

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

That the Mayor is hereby authorized and directed to sign and submit to the U.S. Department of Housing and Urban Development the 2002 Community Development Block Grant Action Plan and all required agreements relating to the 2002 Program Year.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-25, nays-0, absent-2, 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 and Mayor Goldman.

NAYS: None.

ABSENT: David Lanham, Henry.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No.976-02 passed unanimously.

7. Your Committee on Finance has had under consideration Resolution No. 977-02, and reports the same to Council with the recommendation that the Resolution be adopted.

Resolution No. 977-02 - Authorizing the Finance Director to amend the request for funds for a HOME project in North Charleston, approved by Council on April 15, Resolution No. 968-02, by increasing the amount requested from \$12,200 to \$15,200; and further authorizing the Finance Director to allocate funds in the amount of \$17,360 for a CHDO project in North Charleston.@

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 request for funds for a HOME project in North Charleston, approved by Council on April 15, Resolution No. 968-02, by increasing the amount requested from Twelve Thousand Two Hundred Dollars (\$12,200) to Fifteen Thousand Two Hundred Dollars (\$15,200); and further authorizing the Finance Director to allocate funds in the amount of Seventeen Thousand Three Hundred Sixty Dollars (\$17,360) for a CHDO project in North Charleston.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-25, nays-0, absent-2,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 and Mayor Goldman.

NAYS: None.

ABSENT: David Lanham, Henry.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No.977-02 passed unanimously.

8. Your Committee on Finance has had under consideration Resolution No. 978-02, and reports the same to Council with the recommendation that the Resolution be adopted.

Resolution No. 978-02 - Authorizing the Mayor to enter into a contract with Gibbons and Kawash, in the amount of \$9,000, for an audit of procedures in the Charleston Fire Department.@

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 Gibbons and Kawash, in the amount of Nine Thousand Dollars (\$9,000), for an audit of procedures in the Charleston Fire

Department.

City of Charleston, West Virginia
Schedule of Agreed Upon Procedures - Fire Department

1. We will determine and obtain copies of the policies, law, regulation, and ordinances which govern the calculation of fire fighter salary, overtime and leave benefits.
2. We will select a sample of 10 shift Daily Reports (Guard Sheets) for the period January 1, 2001 through December 31, 2001 and perform the following procedures (for Shift Employees):
 1. For each shift selected, trace each entry, for personnel working, to the underlying log sign-ins or other documents to support the individual period worked.
 2. For each shift selected, trace each entry for leave to the underlying absenteeism records to determine if the leave taken had been appropriately deducted for the employees leave account. Also, determine that the absenteeism record is clerically accurate and that the amount of leave earned is calculated and applied correctly.
 3. For each shift selected, determine which employee shifts worked at the overtime rate. Determine the cause of the overtime.
 4. For each shift selected, through inquiry determine the reasons for each temporary rank increase.
 5. For each shift selected, determine the instances of one employee working for another employee (shift trades). Determine if the shift trade resulted in overtime for the trading

employees. Determine if the trading employees reciprocated to balance the trade and whether the trade resulted in overtime pay to either employee.

6.

For each time report tested, trace the posting of the Daily Report (Guard Report) to the time report prepared by the Administrative Assistant in the Fire Chiefs Office. Determine if information is posted correctly.

1. For each time report tested, trace all non-shift related overtime to the underlying supporting documentation.
2. For each time report tested, trace the posting of the time data to the payroll register.
3. Compare amounts reported for each selected employee to applicable policies, procedures, laws, regulations, and ordinances for compliance with applicable requirements.

3. We will select a sample of 10 hourly personnel/pay periods for the period of January 1, 2001 through December 31, 2001 and perform the following procedures (for Hourly Employees):

7.

For each pay period/employee selected, trace each daily entry for the employee selected to the underlying log sign-ins or other documents to support the individual period worked.

8.

For each pay period/employee selected, trace each leave entry to the underlying absenteeism records to determine if the leave taken had

been appropriately deducted from the employees leave account. Also, determine that the absenteeism record is clerically accurate and that the amount of leave earned is calculated and applied correctly.

9.

For each pay period/employee selected, trace all overtime to the Anon-schedule work report@. Determine if the overtime was properly authorized.

4. We will report the results of the above procedures to the management of the City of Charleston in writing. Our report will include recommendations to correct any conditions noted.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No.978-02 adopted unanimously.

9. Your Committee on Finance has had under consideration Resolution No. 979-02, and reports the say to Council with the recommendation that the Resolution be adopted.

Resolution No. 979-02 - Authorizing the settlement of a currently pending civil action against the City of Charleston upon payment of \$17,500 to Alan Fleischmann, as full settlement of Civil Action No. 2:01-0638, pending in the U.S. District Court, Southern District of West Virginia.@

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

That the payment of Seventeen Thousand Five Hundred Dollars (\$17,500) is hereby authorized and approved to be paid to Alan Fleischmann, as full settlement of Civil Action No. 2:01-0638, pending in the U.S. District Court, Southern District of West Virginia.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No.979-02 adopted unanimously.

10. Your Committee on Finance has had under consideration Resolution No. 980-02, and reports the same to Council with the recommendation that the Resolution be adopted.

Resolution No. 980-02 - Authorizing the Mayor to enter into a contract with American Geotech, Inc., in the amount of \$5,700, for exploration services and recommendations for a retaining wall on Loudon

Heights Road.@

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 American Geotech, Inc., in the amount of Five Thousand Seven Hundred Dollars (\$5,700), for exploration services and recommendations for a retaining wall on Loudon Heights Road.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No.980-02 adopted unanimously.

11. Your Committee on Finance has had under consideration a proposal submitted by Harley-Davidson Kawasaki of West Virginia, Inc., in the amount of \$7, 945, for purchase of five (5) Model 2003 police motorcycles in exchange for five (5) 2002 motorcycles, as set forth in a Conditional Trade-in Agreement entered into July 1, 1994. The new motorcycles will be used in the Traffic Enforcement Division of the Charleston Police Department. To be charged to the following accounts: \$7,500 - 01-700-0-0-4-059, Police **B** Capital Outlay, Equipment (FY 2002-03); \$ 445 - 31-299-0-0-4-59, Police **B** Forfeitures, 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 Bill No. 6905, and reports the same to Council with the recommendation that the Bill do pass.

Bill No. 6905 A bill authorizing the City to donate property located at 2nd Avenue, otherwise known as the 2nd Avenue Recreation Center, to the New Covenant Community Development, Inc.

WHEREAS, the City acquired the property located at 2nd Avenue on August 17, 1958, from the Kanawha County Board of Education for \$10.00 and has been using said property as a recreational center, but no longer wishes to use said property for this purpose.

WHEREAS, the Parks & Recreation Committee of the City of Charleston desires to donate this property to New Covenant Community Development, Inc., a non-profit corporation, chartered under the laws of West Virginia, upon the conditions that should New Covenant Community Development, Inc., fail to comply with all other legal requirements contained in WV Code 8-32-1, cease using the property for its stated public purposes, or loose its status as a 501(c)(3) tax exempt entity under the Internal Revenue Code, said property would revert to and vest in the City of Charleston and New Covenant Community Development, Inc., would thereafter have no interest, right, or title therein.

WHEREAS, New Covenant Community Development, Inc., desires to acquire this property for the purpose of making available to the general public facilities for the appreciation, advancement, or enjoyment of cultural and educational activities.

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

That the Mayor of the City of Charleston be and is hereby authorized and directed to execute acknowledge and deliver a proper deed conveying to New Covenant Community Development, Inc., all right, title and interest in and to the property located at 2nd Avenue, in the City of Charleston, or otherwise known as 2nd Avenue Recreational Center, more particularly described in the attached legal description; subject to a condition that the grantee continue to maintain property in good condition and in accordance with applicable law and to the above conditions and reverter clause.

The question being on the passage of the Bill a roll call was taken and there were; yeas-25, nays-0, absent-2, as follows:

YEAS: Charnock, 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 and Mayor Goldman.

NAYS: None.

ABSENT: David Lanham, Henry.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No.6905, as amended, passed unanimously.

13. Your Committee on Finance has had under consideration a payment of an invoice for West Virginia Department of Environmental Protection, in the amount of \$7,425, for non-compliance of WVDEP requirements for storage of waste oil. To be charged to Account No. 58-440-0-0-4-060, Building Maintenance **B** 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.

14. Your Committee on Finance has had under consideration a payment of an invoice from Dill's Fire & Safety Equipment Company, Inc., in the amount of \$27, 818, for auto/truck extraction tools for Fire Station No. 2, located at 808 Virginia Street, West. To be charged to account No. 25-001-00-054, CDBGB Neighborhood Facilities (FS#2) , and reports the same to Council with the recommendation that the committee report be adopted.

The question being on the adoption of the Committee report a roll call was taken and there were; yeas-25, nays-0, absent-2, 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 and Mayor Goldman.

NAYS: None.

ABSENT: David Lanham, Henry.

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

15. Your Committee on Finance has had under consideration a payment of an invoice from Tiskelwah Center, Inc., in the amount of \$6,800, for architectural services. To be charged to Account No. 25-001-00-013, CDBGBPlanning (Tiskelwah Center) , and reports the same to Council with the recommendation that the committee report be adopted.

The question being on the adoption of the Committee report a roll call was taken and there were; yeas-25, nays-0, absent-2, 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 and Mayor Goldman.

NAYS: None.

ABSENT: David Lanham, Henry.

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

16. Your Committee on Finance has had under consideration a payment of an invoice from LifeBridge, Inc., in the amount of \$4,673.76, for reimbursement of salaries and operational expenses for February 2002. To be charged to Account No 25-001-00-011, CDBGBPublic Services (LifeBridge) , and reports the same to Council with the recommendation that the committee report be adopted.

The question being on the adoption of the Committee report a roll call was taken and there were; yeas-25, nays-0, absent-2, 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 and Mayor Goldman.

NAYS: None.

ABSENT: David Lanham, Henry.

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

17. Your Committee on Finance has had under consideration a payment of two invoices from Charleston Lincoln Mercury, in the total amount of \$7, 592.31, for repairs to Police Unit #102 (\$3,777.71), and Police Unit #109 (\$3, 814.60). The vehicles were damaged in accidents during the month of March 2002. To be charged to Account No. 01-700-0-0-2-017, Police BMaintenance and Repair, Auto/Truck , 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 Willis

Administrative Services Corporation, in the amount of \$5,165, representing additional amount due for claims handling services for the policy period March 31, 2001 to March 31, 2002. The amount of the premium was \$78,355 and the actual earned amount is \$83, 520. To be charged to Account No. 01-412-0-0-2-027, City Manager B Insurance , 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 payment of an invoice from Allen, Guthrie & McHugh, in the amount of \$25, 000, for representation of a police officer before the Police Hearing Review Board and the Civil Service Commission. To be charged to Account No. 01-417-0-0-2-023, Legal Department B 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.

20. Your Committee on Finance has had under consideration a payment of an invoice from Bailey & Glasser, in the amount of \$18,000, for representation of a police officer before the Police Hearing Review Board and the Civil Service Commission. To be charged to Account No. 01-417-0-0-2-023, Legal Department B 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.

REPORTS OF OFFICERS

1. Report of the City of Charleston Payroll Variance Analysis; April 2002;
Received and Filed
2. Report of the Charleston Building Department, March, 2002;
Received and Filed.
3. Report of the City of Charleston , Municipal Court Financial Statements; April 2002;
Received and Filed.

NEW BILLS INTRODUCED

Introduced by Councilman Larry Roller, on May 6, 2002:

1. Bill No. 6909, a Bill authorizing the Mayor to sell Watt Powell Park, by way of public auction, for a minimum price of Five Million Dollars (\$5,000,000.00), so long as the City is successful in securing all other necessary financing for the new ball park.

Refer to Finance Committee and Parks & Recreation 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, Jones, Knauff, Lane, James Lanham, Kimberling, Loeb, Lopez, Markham, McKnight, Molgaard, Morton, Nielsen, Pettry Prunty, Quick, Reishman, Roller, Talkington, Fouty-Young and Mayor Goldman.

ABSENT: David Lanham, Henry.

At 8:45 p.m., on motion of Councilman Loeb, Council adjourned until 7:00 p.m., Monday, May 20, 2002.

Jay Goldman, Honorable Mayor

James M. Reishman, City Clerk

