

JOURNAL
OF THE
COUNCIL
CITY OF CHARLESTON
WEST VIRGINIA
NOVEMBER 4, 2002

THE COUNCIL MET IN CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE FIRST MEETING IN THE MONTH OF NOVEMBER ON THE 4TH DAY, IN THE YEAR 2002, AND WAS CALLED TO ORDER BY THE HONORABLE MAYOR, JAY GOLDMAN, AT 7:00 P.M. THE INVOCATION WAS DELIVERED BY BILL KIMBERLING, AND THE PLEDGE OF ALLEGIANCE WAS LEAD BY SHARON KING.

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

CHARNOCK	CRICKENBERGER	DAVIS
FOUTY-YOUNG	HAAS	HARRIS
WEINTRAUB	JONES	KIMBERLING
KNAUFF	LANE	DAVID LANHAM
JAMES LANHAM	LOEB	LOPEZ
MARKHAM	MCKNIGHT	MOLGAARD
MORTON	NIELSEN	
PRUNTY	TALKINGTON	QUICK
REISHMAN	ROLLER	MAYOR GOLDMAN

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.

NOVEMBER 4, 2002, FIRST MEETING

CHARLESTON CITY COUNCIL JOURNAL NOVEMBER 4, 2002

PUBLIC SPEAKERS

1. NONE

SWEARING IN OF THE NEW COUNCIL MEMBER FOR WARD 11.

The Mayor announced that Ryan Henry Councilman for the 11th ward had resigned. Therefore, the seat was now vacant. With a motion made by Charlie Loeb, and second by Howard Quick. Marc Weintraub was nominated for the seat of the 11th Ward. A vote was taken there being no dissent the Mayor declared Marc Weintraub as the new Councilman for the 11th Ward.

CLAIMS

1. A claim of Mark Jarrett, 119 Dry Branch Dr., Charleston, WV; alleges damage to vehicle; Refer to City Solicitor.
2. A claim of Elco Mechanical Contractors, 1510 Coonskin Dr., Charleston, WV; alleges damage to vehicle; Refer to City Solicitor.

COMMUNICATIONS

PROCOLAMATIONS

ONE FOLLOWING

MISCELLANEOUS RESOLUTIONS

NONE

RULES AND ORDINANCE

Councilman Charlie Loeb, Chairman of the Rules and Ordinance Committee, submitted the following reports.

Bill No. 6936, Committee Substitute, as amended, - - A Bill amending and reenacting Chapter two (2) of the Code of the City of Charleston, as amended, by adding thereto a new Division, designated Division eight (8) relating to the Wayfinding Commission; and by adding thereto four new sections, designated sections one hundred eighty-two (182), one hundred eighty-three (183), one hundred eighty-four(184), and one hundred eight-five (185) all relating to the creation, organization, duties and finances of the Wayfinding Commission.

Be it ordained by the Council of the City of Charleston, West Virginia: That Chapter two (2) of the Code of the City of Charleston, as amended, be further amended by adding thereto a new division, designated Division eight (8), and four new sections, designated sections one hundred eighty-two (182), one hundred eighty-three (183), one hundred eighty-four(184), and one hundred eight-five (185), and as so further amended be reenacted to read as follows:

CHAPTER 2. ADMINISTRATION

Article VII. Boards and Commissions

Division 8. Wayfinding Commission

Sec. 2-181. Creation, composition, term of members, vacancies, compensation.

There is hereby created the Wayfinding Commission. The Commission shall consist of nine voting members who shall be appointed by the Mayor and confirmed by City Council. Of these nine members, at least three shall be selected from the City Beautification Commission, but none of whom shall reside in the same ward; at least one shall be selected from the Charleston Renaissance Corporation; and at least one shall be selected from the Charleston Convention and Visitors Bureau. In addition, the Commission shall include a representative of the City of South Charleston, who shall serve as a non-voting, ex officio member. Three of the voting members first appointed shall serve for a term of one year, three for a term of two years, and three for a term of three years. Vacancies shall be filled by appointment for the unexpired term. Members of the Commission shall serve without compensation and, as to those members representing the Beautification Commission, Charleston Renaissance Corporation and the Charleston Convention and Visitors Bureau, so long as they are acting members of such organizations.

Sec. 2-182. Organization

The Commission shall select annually from its membership a chairman and vice chairman and other officers as it determines necessary for the performance of its duties. A majority of the members of the Commission will constitute a quorum. No action of the Commission shall be official, unless authorized by a majority of the Commission.

The Commission shall adopt such rules and hold such meetings as shall be necessary or convenient for the transaction of its business.

Sec. 2-183. Duties and Powers

The purpose of the Commission is to create, oversee and review a sign system to direct residents and visitors to major public areas and places in the City and its environs, (herein the AWayfinding System@). The Commission shall have the authority to create, use and develop the following:

- (a) Geographic Districts and their boundaries included in the Wayfinding System;
- (b) Destination and Attraction signs included in the Wayfinding System;
- (c) Added amenities to the Wayfinding System, such as banners within Districts;
- (d) District colors;
- (e) Graphic logos for the Districts;
- (f) A Charleston Area Wayfinding Map;
- (g) Along-term maintenance program for sustaining the signs; and
- (h) Policies and Procedures regarding licensure and/or fair use of registered, copywrited, or otherwise legally protected designs, logos, maps sign or other intellectual property of the Wayfinding Commission

The Commission shall report to the City Council following the design of signs, the identification of geographic districts, and the assignment of district colors. Additionally, the Commission shall submit an annual report to the City Council and Mayor, generally outlining its program and progress during the previous year.

Sec. 2-184. Finances

City Council may appropriate funds as it deems necessary to finance the activities and expenses of the Commission. Members of the Commission may seek reimbursement by the Commission for their reasonable actual expenses incurred in connection with the performance of their duties.

The City of Charleston shall not otherwise obligate itself to fund the activities or expenses of the Commission.

The question being on the passage of the Bill a roll call was taken and there were; yeas-26, nays-, and absent-, as follows:

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

NAYS: None.

ABSENT Pettry.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No.6936 committee substitute, as amended, adopted unanimously.

PUBLIC SAFETY

Councilman Kenneth McKnight, Chairman of the Rules and Ordinance Committee, submitted the following reports.

Resolution No. 69-02, “Authorizing the Mayor to enter into an Agreement with the Kanawha County Commission for the City of Charleston to participate in the planning process and creation of a multi-jurisdictional Disaster Mitigation Plan. The Plan, which when complete, will meet the requirements of Section 322 of the Disaster Mitigation Act of 2000, and upon approval by the Federal Emergency Management Agency (FEMA) and adoption by the City of Charleston, will allow the City to receive grant funding from FEMA in the event of a natural disaster.”

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

That the Mayor is hereby authorized and directed to sign a “Letter of Agreement” for the City of Charleston to participate in the planning process and creation of a multi-jurisdictional Disaster Mitigation Plan with the Kanawha County Commission. The approved plan, once adopted, will allow the City to receive grant funding from FEMA in the event of a natural disaster.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 69-02 adopted unanimously

STREETS AND TRAFFIC

Councilwoman Beth Fouty Young, Chairman of the Council Committee on Streets and Traffic, submitted the following reports.

1. Your committee on Streets and Traffic has had under consideration Bill No. 6937, and reports the same to Council with the recommendation that the bill do pass.

Bill No. 6937 – to establish a **No Parking In Turn Around Anytime-Tow Away** zone on Pinnacle Way 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. A **No Parking In Turn Around Anytime-Tow Away** zone on Pinnacle Way is hereby established.

Section 2. 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, shall be and hereby are amended, to conform to this Ordinance.

The question being on the passage of the Bill a roll call was taken and there were; yeas-26, nays-, and absent-, as follows:

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

NAYS: None.

ABSENT Pettry.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No.6937, adopted unanimously.

2. Your committee on Streets and Traffic has had under consideration Bill No. 6938, and reports the same to Council with the recommendation that the bill do pass.

Bill No. 6938 – to establish a **No Parking Anytime Tow-Away** zone on the southerly side of Costello Street from Grove Avenue to a point 260 feet west of Grove Avenue 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. A **No Parking Anytime Tow-Away** zone on the southerly side of Costello Street from Grove Avenue to a point 260 feet west of Grove Avenue is hereby established.

Section 2. 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, shall be and hereby are amended, to conform to this Ordinance.

The question being on the passage of the Bill a roll call was taken and there were; yeas-26, nays-, and absent-, as follows:

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

NAYS: None.

ABSENT Pettry.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No.6938, adopted unanimously.

3. Your committee on Streets and Traffic has had under consideration Bill No. 6939, as amended, and reports the same to Council with the recommendation that the bill do pass.

Bill 6939, as amended – to establish a vehicular parking zone for the exclusive use of the **physically disabled** during ~~Church Services~~ **Sundays** on the westerly side of Hendrix Avenue

from a point 15 feet north of Frame Street to a point 65 feet north of Frame Street 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. A vehicular parking zone for the exclusive use of the **physically disabled** during ~~Church Services~~ **Sundays** on the westerly side of Hendrix Avenue from a point 15 feet north of Frame Street to a point 65 feet north of Frame Street is hereby established.

Section 2. 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, shall be and hereby are, amended to conform to this Ordinance.

The question being on the passage of the Bill a roll call was taken and there were; yeas-26, nays-, and absent-, as follows:

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

NAYS: None.

ABSENT Pettry.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No.6939, as amended, adopted unanimously.

4. Your committee on Streets and Traffic has had under consideration Bill No. 6940, and reports the same to Council with the recommendation that the bill do pass.

Bill No. 6940 – to establish a **20 Mile Per Hour** speed limit on Brookstone Road and amending the Traffic Control Map and Traffic Control File, established by the Code of the City of Charleston, West Virginia, one thousand 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. A **20 Mile Per Hour** speed limit on Brookstone Road is hereby established.

Section 2. 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, shall be and hereby are amended, to conform to this Ordinance.

The question being on the passage of the Bill a roll call was taken and there were; yeas-26, nays-, and absent-, as follows:

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

NAYS: None.

ABSENT Pettry.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No.6940, adopted unanimously.

5. Your committee on Streets and Traffic has had under consideration Bill No. 6942, and reports the same to Council with the recommendation that the bill do pass.

Bill No. 6942 – to establish a **20 Mile Per Hour** speed limit on Temple Street 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. A **20 Mile Per Hour** speed limit on Temple Street is hereby established

Section 2. 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, shall be and hereby are amended, to conform to this Ordinance.

The question being on the passage of the Bill a roll call was taken and there were; yeas-26, nays-, and absent-, as follows:

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

NAYS: None.

ABSENT Pettry.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No.6942, adopted 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. 102-02 and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 102-02 – “Authorizing the Finance Director to make revisions to the 2002-2003

General Fund budget as indicated on the attached list of account.”

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

That the Finance Director is hereby authorized and directed to make revisions to the 2002-2003 General Fund budget as indicated on the attached list of accounts; and be it FURTHER RESOLVED that this budgetary revision is being made prior to the expenditure or obligation of funds for which no appropriation or insufficient appropriation currently exists.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas- 26, nays-, and absent-, as follows:

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

NAYS: None.

ABSENT Pettry.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No.102-02, passed unanimously.

2. Your Committee on Finance has had under consideration Resolution No. 103-02 and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 103-02 – “Authorizing the Mayor to enter into a contract with Lilly’s Landscaping & Greenhouses for leasing of a designated area of the parking lot at Watt Powell Park for the sale of Christmas trees, at a cost of \$1,201.01, for the period November 18, 2002 to December 31, 2002.”

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

That the Mayor is hereby authorized and directed to enter into a contract with Lilly’s Landscaping & Greenhouses for leasing of a designated area of the parking lot at Watt Powell Park for the sale of Christmas trees, at a cost of One Thousand Two Hundred One Dollars and One Cent (\$1,201.01), for the period November 18, 2002 to December 31, 2002.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 103-02 adopted unanimously

3. Your Committee on Finance has had under consideration Resolution No. 104-02 and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 104-02 – “Authorizing a contribution to the Patriot Foundation, Inc., in the amount of \$25,000, to assist in the construction of the Fitness Center at George Washington High School.”

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

That a contribution to the Patriot Foundation, Inc., in the amount of Twenty-five Thousand Dollars (\$25,000), to assist in the construction of the Fitness Center at George Washington High School is hereby approved.

Councilman Jim Harris, made motion to refer the Resolution to the Parks and Recreation Committee, before the final vote. Councilman David Molgaard seconded this motion.

A roll call vote was taken on the motion:

YEAS: Fouty-Young, Harris, Weintraub, Jones, Kimberling, Knauff, James Lanham, Markham, McKnight, Molgaard, Morton, Prunty, Quick.

NAYS: Charnock, Crickenberger, Davis, Haas, Lane, David Lanham, Loeb, Lopez, Nielsen, Reishman, Roller, Talkington, Mayor Goldman.

ABSENT: Pettry

With a tie vote the Mayor declared the motion failed.

A roll call vote was taken on Resolution104-02:

YEAS: Charnock, Crickenberger, Davis, Haas, Fouty-Young, Harris, Weintraub, Knauff, Lane, James Lanham, David Lanham, Lopez, Molgaard, Morton, Nielsen, Prunty, Quick, Reishman, Roller, Talkington and Mayor Goldman.

NAYS: Jones, Markham, McKnight, Loeb, Kimberling.

ABSENT: Pettry

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No.104-02, passed.

4. Your Committee on Finance has had under consideration Resolution No. 105-02 and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 105-02 – “Authorizing the Finance Director to allocate funds in the amount of \$35,976 from Account No. 009-000-00-014-0-999 for the rehabilitation of five (5) homes in the City of Charleston.”

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

That Finance Director to allocate funds in the amount of Thirty-five Thousand Nine Hundred Seventy-six Dollars (\$35,976) from Account No. 009-000-00-014-0-999 for the rehabilitation of five (5) homes in the City of Charleston.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas- 26, nays-, and absent-, as follows:

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

NAYS: None.

ABSENT: Pettry.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No.105-02, passed unanimously.

5. Your Committee on Finance has had under consideration Resolution No. 106-02 and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 106-02 – “Authorizing the Mayor to sign Change Order No., in the amount of \$47,061, with Appalachian Power Company, d/b/a American Electric Power, for additional work in connection with Kanawha Boulevard Walkway Project. To change order increases the contract price from \$1,416,560.62 to \$1,465,781.62.”

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

That the Mayor is hereby authorized and directed to sign Change Order No., in the amount of \$47,061, with Appalachian Power Company, d/b/a American Electric Power, for additional work in connection with Kanawha Boulevard Walkway Project. To change order increases the contract price from \$1,416,560.62 to \$1,465,781.62, and provides for the following:

- Re-attach conduit to Elk River Bridge \$4,900

- Provide power to Clendenin Street by
Moving service to Goshorn 37,501

- Move meter base due to inadequate
Space behind switchgear..... 2,500

- 18 Gray Granite markers..... 2,160

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-26, nays-, and absent-, as follows:

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

NAYS: None.

ABSENT: Pettry.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No.106-02, passed unanimously.

6. Your Committee on Finance has had under consideration Resolution No. 107-02 and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 107-02 – “Authorizing the Mayor to enter into a contract with the Charleston Housing Authority for the employment of a Section 8 Housing Inspector.”

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 the Charleston

Housing Authority for the employment of a Section 8 Housing Inspector.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 107-02 adopted unanimously.

7. Your Committee on Finance has had under consideration a bid submitted by Lloyd's Electronics, in the total amount of \$9,626.50, for purchase and installation of a base station repeater (\$8,675) and base station radio unit (\$951.50), with accessories, for the Charleston Police Department. To be charged to Account No. 094-976-00-000-4-459, police –Local Law Enforcement Grant 2001, and reports the same to Council with the recommendation that the committee report be adopted.

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

8. Your Committee on Finance has had under consideration a bid submitted by Rescue phone, Inc., in the amount of \$5,000, for purchase of a hostage negotiator phone for the Charleston Police Department. To be charged to Account No. 094-976-00-000-4-459, Police—Local Law Enforcement Grant 2001, and reports the same to Council with the recommendation that the committee report be adopted.

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

9. Your Committee on Finance has had under consideration a bid submitted by Electronic Communications of West Virginia, Inc., in the amount of \$4,170, for purchase of six (6) radios and accessories to be used by the Charleston Fire Department. To be charged to Account No. 001-976-00-706-4-459, Fire –Capital Outlay, Equipment, and reports the same to Council with the recommendation that the committee report be adopted.

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

10. Your Committee on Finance has had under consideration a bid submitted by Lesco, Inc., in the amount of \$5,454.40, for purchase of fertilizer and grass seed for the Cato Park Golf Course. To be charged to Account NO. 002-900-00-000-3-341, P&R—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.

11. Your Committee on Finance has under consideration Bill No. 6946, and reports the same to Council with the recommendation that the Bill do pass.

Bill No. 6946 – A Bill authorizing and directing the Mayor of the City of Charleston to purchase private property located in a flood prone area from Fred L. Turnes and Berthel M. Turnes,

pursuant to a cooperative grant agreement between the City and the State Office of Emergency Services, dated May 12, 2000, for the purposes of demolishing structures located on the property and restricting the use of said property to be only for the purposes compatible with flood prone property.

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

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

WHEREAS, the City of Charleston and Fred L. Turnes have negotiated a purchase price of \$49,500.00 for this property more fully described as being the same property being conveyed to Fred L. Turnes and Berthal M. Turnes by H. D. Turnes and Grace E. Turnes, by deed dated August 8, 1977, of the record in the office of the Clerk of the County Commission of Kanawha County, West Virginia, in Deed Book 1838, at 477;

WHEREAS, said \$49,500.00 is available within the City budgets pursuant to grant monies received from the Hazard Mitigation Grant and the City would like to expend \$49,500.00 of such to purchase the property.

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

The question being on the passage of the Bill a roll call was taken and there were; yeas-26, nays-, and absent-, as follows:

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

NAYS: None.

ABSENT Pettry.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No.6946, adopted unanimously.

12. Your Committee on Finance has under consideration Bill No. 6947 and reports the same to Council with the recommendation that the Bill do pass.

Bill No. 6947 - A Bill authorizing and directing the Mayor of the City of Charleston to purchase private property located in a flood prone area from Jacob D. Hersman and Sharon K. Hersman, pursuant to a cooperative grant agreement between the City and the State Office of Emergency Services, dated May 12, 2000, for the purposes of demolishing structures located on the property and restricting the use of said property to be only for the purposes compatible with flood prone property.

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

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

WHEREAS, the City of Charleston and Jacob D. Hersman and Sharon Hersman have negotiated a purchase price of \$61,000.00 for this property more fully described as being the same property being conveyed to Jacob D. Hersman and Sharon K. Hersman by Michael Lee Haynes and Mary Surret Haynes, by deed dated August 14, 1985, of the record in the office of the Clerk of the County Commission of Kanawha County, West Virginia, in Deed Book 2100, at 521;

WHEREAS, said \$61,000.00 is available within the City budgets pursuant to grant monies received from the Hazard Mitigation Grant and the City would like to expend \$61,000.00 of such to purchase the property.

The question being on the passage of the Bill a roll call was taken and there were; yeas-26, nays-, and absent-, as follows:

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

NAYS: None.

ABSENT Pettry.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No.6947, adopted unanimously.

13. Your Committee on Finance has under consideration Bill No. 6948, and reports the same to Council with the recommendation that the Bill do pass.

Bill No. 6948, authorizing the refunding of the City's outstanding Sewer Refunding Revenue Bonds, Series 1992-A and the Sewerage System Refunding and Improvement Revenue Bonds, Series 1192-B, of the City of Charleston; authorizing the issuance of not more than \$7,500,000 in aggregate principal amount of Sewerage system Refunding Revenue Bonds, Series 2002-A and Series 2002-B, of the City of Charleston, the proceeds of which shall be used, along with other

funds and moneys of, or available to, The City of Charleston, which may be lawfully expended for such purposes, to finance the cost in connection therewith; providing for the rights and remedies of and security for the registered owners of such bonds; and adopting other provisions related thereto.

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

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

NAYS: None.

ABSENT Pettry.

ABSTAIN: Loeb.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No.6948, adopted unanimously.

REPORTS OF OFFICERS

1. Report of the City of Charleston, Municipal Court Financial Statements; October 2002; Received and Filed.

2. Report of the City of Charleston Payroll Variance Analysis; October 2002; Received and Filed.

3. City of Charleston Financial Statements for the Fiscal Year Ended June 30, 2002; Received and Filed.

NEW BILLS INTRODUCED

NONE.

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, Lopez, Kimberling, Loeb, Markham, McKnight, Molgaard, Morton, Nielsen, Quick, Reishman, Roller, Talkington, David Lanham, Fouty-Young, Prunty, Weintraub, and Mayor Goldman.
ABSENT: Pettry.

At 8:30 p.m., on motion of Councilman Loeb, Council adjourned until 7:00 p.m., Monday, November 18, 2002.

Jay Goldman, Honorable Mayor

James M. Reishman, City Clerk