

JOURNAL
OF THE
COUNCIL
CITY OF CHARLESTON
WEST VIRGINIA
APRIL 21, 2003

THE COUNCIL MET IN CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE SECOND MEETING IN THE MONTH OF APRIL ON THE 21st DAY, IN THE YEAR 2003, 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 LARRY ROLLER.

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

CHARNOCK	CRICKENBERGER	DAVIS
	HAAS	HARRIS
JONES	KIMBERLING	KNAUFF
	JAMES LANHAM	DAVID LANHAM
LOEB	LOPEZ	MCKNIGHT
	MOLGAARD	MORTON
NIELSEN	PETTRY	
QUICK	REISHMAN	ROLLER
TALKINGTON	WEINTRAUB	MAYOR GOLDMAN

TWENTY-THREE 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.

APRIL 21, 2003, SECOND MEETING

CHARLESTON CITY COUNCIL JOURNAL APRIL 21, 2003

PUBLIC SPEAKERS

1. None.

CLAIMS

1. A claim of Leola Hess, 4709 McCorkle Ave. SE, Apt. 2B, Charleston WV; alleges damage to property;
Refer to City Solicitor.
2. A claim of William Wooten, 117 Granville Ave., Beckley, WV; alleges damage to property;
Refer to City Solicitor.
3. A claim of David L Sayre, 1432 Alexandria Place., Charleston, WV; alleges damage to property;
Refer to City Solicitor.
4. A claim of Alan Bernstein, 1340 Johnson Road, Charleston, WV; alleges damage to property;
Refer to City Solicitor.
5. A claim of Rory L. Perry II, 810 Price St., Charleston, WV; alleges damage to property;
Refer to City Solicitor.
6. A claim of Robert Malcolm, 1528 Red Oak St., Charleston, WV.; alleges damage to property;
Refer to City Solicitor.
7. A claim of James Haynes, 4709 MacCorkle Ave., SE, Apt. 3B, Charleston, WV.; alleges damage to property;
Refer to City Solicitor.

COMMUNICATIONS

PROCLAMATION

TWO FOLLOWING

The Clerk read the following communication:

April 17, 2003

Honorable J. Crawford Goldman
and Members of City Council
Charleston, WV 25301

Dear Mayor Goldman and Councilmember's:

Please withdraw the following Bills:

Bill No. 6110 – Petition of Orland L. AND Betty Jo Truman requesting the closing, abandoning and discontinuing of the 6' wide alley which is contiguous with their southerly side property line at 825 South Park Road.

Bill No. 6935 – Petition of Dennis N. Broglio, on behalf of West Virginia-American Water Company, to close, discontinue and abandon Dryden Street, between Court Street and the Elk River in order to monitor ingress and egress and to construct and maintain equipment for the dewatering and disposal of residuals to the existing water treatment facility.

Bill No. 6967 – Petition of the Municipal Planning Commission to amend the Zoning Ordinance of the City of Charleston by allowing "Skate Board Park" as a permitted use in a C-10 General Commercial and an I-2 Light Industrial District.

Sincerely,
Planning Department

Phyllis White
Administrative Assistant

With a vote of Council the Mayor withdrew Bill No. 6110, 6935, and 6967.

MISCELLANEOUS RESOLUTIONS

The Clerk read the following resolution introduced by Councilman Charlie Loeb;

1. Resolution No 259-03., "Approving and adopting the "Urban Tree Specifications and Standards of Practice", promulgated pursuant to City Code Sec. 28-48.

Be it resolved by the council of the City of Charleston, West Virginia:

The attached "Urban Tree Specifications and Standards of Practice." Are hereby approved and adopted.

Councilman Loeb made motion to refer the Resolution to Ordinance and Rules Committee. The Mayor Referred Resolution No. 259-03, to the Ordinance and Rules Committee.

The Clerk read the following resolution introduced by Mayor Goldman;

Resolution No. 260-03: To declare April 21, 2003 as a day in support of the AT&T Call Servicing Center.

WHEREAS, The AT&T Call Servicing Center located in downtown Charleston is an integral component in the city's economic structure; and

WHEREAS, The AT&T Call Servicing Center employs 99 individuals who frequent city shops and restaurants, contributing to the economic livelihood of many; and

WHEREAS, The AT&T Call Servicing Center is in danger of being closed, which would mean a loss of \$4 million in payroll to the local economy, not including the taxes and other contribution AT&T and its employees make to the City of Charleston daily; and

WHEREAS, The AT&T Call Serving Center is essential for the continued growth and success of the City of Charleston and the City urges AT&T's leaders to keep its positive presence in the City of Charleston that will provide jobs and help improve the economic health of Charleston.

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

CHARLESTON, WEST VIRGINIA:

That April 21, 2003 is declared as a day to support the AT&T Call Servicing Center in downtown Charleston and urge its leaders to maintain their operations in the City of Charleston.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 260-03, adopted unanimously

STREETS AND TRAFFIC

Councilman Larry Roller, submitted the following reports.

1. Your Committee on Streets and Traffic has had under consideration Bill No. 6970, and reports the same to Council with the recommendation that the Bill do pass.

Bill No. 6970 – A Bill to prohibit vehicles over **6500 lbs. gross vehicle weight** from traveling on

Woodside Circle between Huber Road to Parkwood Road 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. Prohibiting vehicles over **6500 lbs. gross vehicle weight** from traveling on Woodside Circle between Huber Road to Parkwood 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-23, nays-0, absent-4, as follows:

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

NAYS: None.

ABSENT: Fouty-Young, Lane, Markham, Prunty,

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 6970, adopted.

2. Your Committee on Streets and Traffic has had under consideration Bill No. 6969, as amended, and reports the same to Council with the recommendation that the Bill do pass.

Bill No. 6969 – A Bill to establish a **No Parking Tow-away** zone between the hours of **8:00 am** and **10:00 am**, Monday through Friday, on South Gate Road and South Gate Place 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 Tow-away zone between the hours of **8:00 am and 10:00 am**, Monday through Friday, on South Gate Road and South Gate Place 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-23, nays-

0, absent-4, as follows:

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

NAYS: None.

ABSENT: Fouty-Young, Lane, Markham, Prunty,

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 6969, as amended, adopted.

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. 161-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 161-03 – “Rescinding Resolution No. 161-03, authorizing the Mayor to enter into a contract with Syscan Corporation, in the amount of \$8,448.11, for purchase of workstations, transaction counter, storage cabinets and related materials, to installed in the City Clerk’s Office, approved by Council on January 21, 2003. The contract is being rescinded because the vendor was unable to honor his bid as originally submitted.”

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

That Resolution No. 161-03, authorizing the Mayor to enter into a contract with Syscan Corporation, in the amount of Eight Thousand Four Hundred Forty-eight Dollars and Eleven Cents (\$8,448.11), for purchase of workstations, transaction counter, storage cabinets and related materials, to install in the City Clerk’s Office, approved by Council on January 21, 2003. is hereby rescinded because the vendor was unable to honor his bid as originally submitted.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 161-03, adopted unanimously

2. Your Committee on Finances has had under consideration Resolution No. 246-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 246-03 – “Authorizing the Finance Director to make revisions to the 2002-2003 General Fund budget as indicated on the attached list of accounts.”

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

That the Finance Director is hereby authorized and directed to make revisions to the 2002-2003

General Fund budget as indicated on the attached list of accounts; and be it

FURTHER RESOLVED, that this budgetary revision is being made prior to the expenditure or obligation of funds for which no appropriation or insufficient appropriation currently exists.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-23, nays-0, absent-4, as follows:

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

NAYS: None.

ABSENT: Fouty-Young, Lane, Markham, Prunty,

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 246-03, adopted.

3. Your Committee on Finance has had under consideration Resolution No. 247-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 247-03 – “Authorizing the Mayor to sign Change Order No. 1 with RC General Contractors, in the amount of \$26,306.41, for additional work in connection with the General Trades contract for construction of the New Fire Station at Orchard Manor. The change order increases the contract amount from \$195,481 to \$221,787.41.”

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. 1 with RC General Contractors, in the amount of Twenty-six Thousand Three Hundred Six Dollars and Forty-one Cents (\$26,306.41), for additional work in connection with the General Trades contract for construction of the New Fire Station at Orchard Manor. The change order increases the contract amount from \$195,481 to \$221,787.41 and provides for the following:

- Additional reinforcement requested by structural engineer on rebar placement drawings that were not shown on original structural drawings.
- Capping abandoned water and gas lines.
- Site Water
- Site Fire
- Site Gas
- Site Storm

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 247-03, adopted unanimously

4. Your Committee on Finance has had under consideration Resolution No. 248-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 248-03 – “Authorizing the Mayor to sign Change Order No. 1 with Pass Fire Protection, Inc., in the amount of \$3,460, for installation of a fire service line to the New Fire Station at Orchard Manor, increasing the contract amount from \$12,650 to \$16,110.”

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. 1 with Pass Fire Protection, Inc., in the amount of Three Thousand Four Hundred Sixty Dollars (43,460), for installation of a fire services line to the New Fire Station at Orchard Manor, increasing the contract amount from \$12,650 to \$16,110.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 248-03, adopted unanimously

5. Your Committee on Finance has had under consideration Resolution No. 249-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 249-03 – “Authorizing the Mayor to sign Change Order No. 1 with West Virginia Steel Corporation, in the amount of \$2,161, for changes to the Structural Steel contract for construction of the New Fire Station at Orchard Manor. The change order increases the contract amount from \$58,230 to \$60,391.”

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. 1 with West Virginia Steel Corporation, in the amount of Two Thousand One Hundred Sixty-one Dollars (\$2,161), for changes to the Structural Steel contract for construction of the New Fire Station at Orchard Manor. The change order increases the contract amount from \$58,230 to \$60,391, and provides for the following:

- Furnish and install seven additional roof frame openings for exhaust fans.
- Change door height at lower level garage doors.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 249-03, adopted unanimously

6. Your Committee on Finance has had under consideration Resolution No. 250-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 250-03 – “Authorizing the Mayor to sign Change Order No. 1 with the Dougherty Company, in the amount of \$5,528.27, for additional work in connection with the Plumbing contract for construction of the New Fire Station at Orchard Manor. The change order increases the contract amount from \$102,800 to \$108,328.27.”

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. 1 with the Dougherty Company, in the amount of Five Thousand Five Hundred Twenty-eight Dollars and Twenty-seven Cents (\$5,528.27), for additional work in connection with the Plumbing contract for construction of the New Fire Station at Orchard Manor. The change order increases the contract amount from \$102,800 to \$108,328.27, and provides for the following:

- Install hot water hose bib in large bay.
- Add gas connection to deck
- Change exterior wall hydrants to inside hose bids.
- Provide a 1” water line and 1-1/2” hose connection at large bay.
- Provide domestic water, gas, and sanitary service lines to the building.
- Repair gas leak on site.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 250-03, adopted unanimously

7. Your Committee on Finance has had under consideration Resolution No. 252-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 252-03 – “Authorizing the Mayor to enter into a contract with the Division of Criminal Justice Services to receive and administer grant funds in an amount not to exceed \$59,497 for the STOP Violence Against Women (VAWA) 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 a contract with the Division of Criminal Justice Services to receive and administer grant funds in an amount not to exceed Fifty-nine Thousand Four Hundred Ninety-seven Dollars (\$59,497) for the STOP Violence Against Women (VAWA) Program.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 252-03, adopted unanimously

8. Your Committee on Finance has had under consideration Resolution No. 253-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 253-03 – “Authorizing the Mayor to sign a Community Partnership Grant Application, and all related documents, for the Main Street West Virginia Program to support improvement projects through East End Main Street, in the amount \$1,714.”

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

That the Mayor is hereby authorized and directed to sign a Community Partnership Grant Application, and all related documents, for the Main Street West Virginia Program to support improvement projects through East End Main Street, in the amount One Thousand Seven Hundred Fourteen Dollars (\$1,714).

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-23, nays-0, absent-4, as follows:

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

NAYS: None.

ABSENT: Fouty-Young, Lane, Markham, Prunty,

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 253-03, adopted.

9. Your Committee on Finance has had under consideration Resolution No. 254-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 254-03 – Authorizing the Mayor to sign and submit applications for The 2003 West Virginia Homeless Shelters Program (WVHSP) to provide operating expenses, essential services and capital improvements for the following agencies: YWCA/Sojourner's, YWCA/Resolve Family Abuse, Daymark, Covenant House, Roark Sullivan Life way Center and RCCR/Samaritan Inn shelters and further authorizing the Mayor to sign the required agreement with the respective agencies.

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 applications for The 2003 West Virginia Homeless Shelters Program (WVHSP) to provide operating expenses, essential services and capital improvements for the following agencies: YWCA/Sojourner's, YWCA/Resolve Family Abuse, Daymark, Covenant House, Roark Sullivan Life way Center and RCCR/Samaritan Inn shelters and further authorizing the Mayor to sign the required agreement with the respective agencies.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-23, nays-0, absent-4, as follows:

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

NAYS: None.

ABSENT: Fouty-Young, Lane, Markham, Prunty.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 254-03, adopted.

10. Your Committee on Finance has had under consideration Resolution No. 255-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 255-03 – Authorizing the Mayor to sign the proposed agreement and all related documentation between the City of Charleston and the West Virginia Department of Transportation for the Charleston Gateway Enhancement project located at the corner of Washington Street and Leon Sullivan Way in the amount of \$577,000.

Project will include the construction of stepped walls and sidewalks, drainage installation, installation of brick paving, lighting, bicycle racks, information kiosk and landscaping on Washington Street, across from the Clay Center in Charleston.

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

That the Mayor is hereby authorized and directed to sign the proposed agreement and all related documentation between the City of Charleston and the West Virginia Department of Transportation for the Charleston Gateway Enhancement project.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-23, nays-0, absent-4, as follows:

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

NAYS: None.

ABSENT: Fouty-Young, Lane, Markham, Prunty.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 255-03, adopted.

11. Your Committee on Finance has had under consideration Resolution No. 258-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 258-03 – “Authorizing the Finance Director to allocate funds in the amount of \$20,000 for acquisition of one (1) HOME Project located on the West Side.”

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

That the Mayor is hereby authorized and directed to allocate funds in the amount of Twenty Thousand Dollars (\$20,000) for acquisition of one (1) HOME Project located on the West Side.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-23, nays-0, absent-4, as follows:

YEAS: Charnock, Crickenberger, Davis, Haas, Harris, Jones, Kimberling, Knauff, David Lanham, James Lanham, Loeb, Lopez, McKnight, Molgaard, Morton, Nielsen, Pettry, Quick,

Reishman, Roller, Talkington, Weintraub, and Mayor Goldman.

NAYS: None.

ABSENT: Fouty-Young, Lane, Markham, Prunty.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 258-03, adopted.

12. Your Committee on Finance has had under consideration a purchase of various chemical supplies to be used by the Parks & Recreation Department in City swimming pools. The supplies will be purchased on an as needed basis at prices quoted from the following vendors:

Brenntag Mid South, Inc.

Chlorine Tablets 55lb. containers \$96.25; Stabilizer- 100lb. Containers \$57.90; Granular Chlorine 100lb. Containers \$115.00;

Phillips Supply Co.

Muriatic Acid 15gal. \$32.59; Calcium Chloride 50lb. Bags \$15.67; Liquid Chlorine 5gal. Containers \$10.25; Sodium Bicarbonate 50lb. Bags \$17.24; Diatomaceous Earth 50lb. Bags \$14.42; Sodium Carbonate 50lb. Bags \$8.63.

To be charged to Account No. 001-900-00-000-3-341, P&R—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.

13. Your Committee on Finance has had under consideration Bill No. 6966, as amended, and reports the same to Council with the recommendation that the recommendation that the Bill do pass..

Bill No. 6966, as amended, A Bill closing, abandoning and discontinuing as a public street the unimproved right-of-way commonly known as Julia Avenue which generally runs from the 700 block of Laurel Road in an northwesterly direction 1,400 feet, m/l, and terminates at the DOH right-of-way, said street being in the City of Charleston, West Virginia, and reserving a sewer easement for the City Of Charleston.

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

1. The unimproved right-of-way commonly known as Julia Avenue more aptly described as follows:

Beginning at the westerly right-of-way of Laurel Road on the southeasterly side of Michael and

Nancy Ward's property at 703 Laurel Road, being 30 feet wide and running in a southwesterly direction 280 feet, m/l, then becoming 20 feet wide, and turning to a northwesterly direction, running 1,120 feet, m/l, to its termination point common with the Corridor "G" right-of-way, all of said street being situate in the City Of Charleston, West Virginia, is hereby closed, abandoned and discontinued.

2. The City of Charleston hereby reserves a sewer easement for the full width and length of the above described right-of-way for the purpose of construction, maintenance, repair and removal of storm and sanitary sewer lines. No person shall construct improvements, plant trees or any other vegetation, or take any other action which would interfere with this easement, nor alter the present surface profile or contour of the subject right-of-way by more than one (1) foot without the written permission of the City Engineer and Charleston Sanitary Board.

3. The Mayor of the City of Charleston be, and is hereby authorized and directed to execute, acknowledge and deliver proper deeds conveying to Hawthorne Land Co and Michael and Nancy Ward all right, title and interest of the City Of Charleston in and to said street as described in Section 1 above, except as provided in Section 2 above, upon payment of \$6,700.00 to be paid to the City Of Charleston by the petitioners. 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 yeas-23, nays-0, absent-4, as follows:

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

NAYS: None.

ABSENT: Fouty-Young, Lane, Markham, Prunty.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the Bill No. 6966, as amended, adopted.

14. Your Committee on Finance has had under consideration a payment of an invoice from the West Virginia State Auditor's Office in the amount of \$45,675, for audit of City accounts June 30, 2002. To be charged to Account No. 001-418-00-000-2-224, Audit Costs, and reports the same to Council with the recommendation that the committee 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 payment of an invoice from American Geotech, Inc., in the amount of \$49,00, for Phase II Environmental Site Assessment, four test borings, soil sampling, BTEX, THP and volatile analysis of proposed ball park property (Brooks, Smith, Morris and Lewis streets). To be charged to Account No. 220-979-00-900-4-458, P&R—Capital Outlay, Major Improvements, and reports the same to Council with the recommendation that the committee 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 payment of an invoice from Environmental Services International Inc., in the amount of \$4,408.48 for asbestos inspection and test samples of the structure scheduled for demolition at 603 Morris St. To be charged to Account No. 001-412-00-000-2-230, City Manager—Contracted Services. 17. Evans Lumber—Redwood Lumber and Related Materials for Tables in Slack Plaza, and reports the same to Council with the recommendation that the committee 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 of an invoice from Evans Lumbar, in the amount of \$6,316.88, for materials to construct table and seating units to be placed in Slack Plaza. To be charged to account No. 035-399-00-0000, Municipal Beautification Project, and reports the same to Council with the recommendation that the committee 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 Steptoe & Johnson, PLLC, in the amount of \$8,979.99, for Professional services rendered relating from June 6, 2003 through December 23, 2002, relating to the City's Revised Standard Contract. To be charged to Account No. 001-417-00-000-2 223, Legal Department –Professional Services, and reports the same to Council with the recommendation that the committee 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. City Treasurer's Report to City Council Month Ending March 2003;
Received and Filed.
2. City of Charleston Financial Statements for the Nine- Month Period Ended
March 31, 2003;
Received and Filed.

NEW BILLS INTRODUCED

Introduced by Councilpersons Beth Fouty-Young and Mary Jean Davis on April 21, 2003:

Bill No. 6972, A to amend chapter thirty-one of the code of the City of Charleston, one thousand nine hundred, as amended, by adding thereto a new article, designated article seventeen, relating to all-terrain vehicles.

Refer to Council Committee on Streets and Traffic.

Introduced by Councilman John Charnock on April 21, 2003:

Bill No. 6973 A Bill amending the Zoning Ordinance of the City of Charleston by amending the table of special permitted uses to allow "Re-Use of Structure previously used for non-residential purposes and listed on the National Register of Historic Places" as a special permit use in the R-2, Single Family Residential District"

Refer to Municipal Planning Commission.

Introduced by Councilman Charlie Loeb on April 21, 2003:

Bill No. 6974, a bill to amend and re-enact Sec. 28, Article VI. Trees, of the City Code of the City of Charleston.

Refer to Council Committee on Ordinance and Rules.

UNFINISHED OR MISCELLANEOUS BUSINESS

NONE.

ROLL CALL

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

ABSENT: Fouty-Young, Lane, Markham, Prunty.

At 8:45 p.m., on motion of Councilman Loeb, Council adjourned until 7:00 p.m., Monday, May 5, 2003.

Jay Goldman, Honorable Mayor

James M. Reishman, City Clerk