

JOURNAL
OF THE
COUNCIL
CITY OF CHARLESTON

WEST VIRGINIA

AUGUST 4, 2003

THE COUNCIL MET IN CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE FIRST MEETING IN THE MONTH OF AUGUST ON THE 4TH DAY, IN THE YEAR 2003, AND WAS CALLED TO ORDER BY THE HONORABLE MAYOR, DANNY JONES, AT 7:00 P.M. THE INVOCATION WAS DELIVERED BY HARRY DEITZLER, AND THE PLEDGE OF ALLEGIANCE WAS LEAD BY JAMES LANHAM.

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

**CHESTNUT
DAVIS
HANNA
HIGGINS
LANHAM
MILLER
NIELSEN
ROBERTSON
WARE
MAYOR JONES**

**CLOWSER
FOSTER
HARRIS
JONES
MONROE
REED
SADD
WEINTRAUB**

**DEITZLER
HALL
HARRISON
LANE
MORTON
REISHMAN
TALKINGTON
WHITE**

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.

AUGUST 4, 2003, FIRST MEETING

CHARLESTON CITY COUNCIL JOURNAL AUGUST 4, 2003

PUBLIC SPEAKERS

1. Michael Davis, 310 Earnest Way.
2. Steven Summer, 16 Shannon Place.
3. Phil Keffer, 912 Alynwood Circle.

CLAIMS

1. A claim of Doris Pappas, 1025 Valley Rd., Charleston WV; alleges damage to property;
2. A claim of Joseph Roop, 1511 Cascade Dr., Charleston, WV; alleges damage to property;
3. A claim of Elizabeth Sprangler, 839 Gordon Dr., Charleston, WV; alleges damage to property;
4. A claim of Hazel Asbury, 233 Lee Ave., Nitro, WV; alleges damage to vehicle;
5. A claim of Ralph H. Johnson., 648 Wayside Dr., Charleston, WV; alleges damage to property;
6. A claim of Virginia Yancy, 47 Riverside Dr., South Charleston, WV; alleges damage to vehicle;
7. A claim of Donald Stalnaker, 590 Bendview Dr., Charleston, WV; alleges damage to vehicle;
8. A claim of Lisa Bailey, 506 Thompson Dr., Charleston, WV; alleges damage to property;
9. A claim of Walter Snyder, 854 South Washington St., St. Albans, WV; alleges damage to vehicle;
10. A claim of Sandra Nestrer, 537 Pacific St., Charleston, WV; alleges damage to vehicle;
11. A claim of Marjorie Wooten., 2000 Dunbar Ave., Dunbar, WV; alleges damage to property;
12. A claim of James Tunstalle, 1305 Mountain Rd., Charleston, WV; alleges damage to vehicle;
13. A claim of Samar Geagea., 4610 Kanawha Ave., Charleston, WV; alleges damage to property;

PUBLIC HEARING

AFTER BEING PUBLISHED AS REQUIRED, I NOW DECLARE THE FLOOR OPEN FOR A PUBLIC HEARING ON BILL NO. 6988, A BILL TO ALTER THE CLOSING TIME FOR BUILDING #6 LOCATED ON SUMMERS STREET.

THE CHAIR SEES NO ONE FROM THE PUBLIC.

THE CHAIR HEARS NO ONE FROM THE PUBLIC.

THE CHAIR DECLARES PUBLIC HEARING ON BILL NO. 6911

CLOSED.

COMMUNICATIONS

ONE PROCLAMATION

MISCELLANEOUS RESOLUTIONS

The Clerk read the following Resolution introduced by Councilpersons Linda Nielsen, Charlie Loeb and Tom Lane.

Resolution No.: 339-03

Introduced in Council:

August 4, 2003

Passed by council:

August 4, 2003

Introduced by: Charlie Loeb, Tom Lane
and Linda Nielsen

WHEREAS, the United States Department of Transportation's Transportation Enhancement Program (TEP) has been a highly effective and innovative means of providing Federal support for community-based transportation projects that enhance the quality of life in our communities; and

WHEREAS, since 1992, TEP has improved the economic and environmental health of our communities by providing \$5.97 billion to states to support 16,699 community-based projects, including \$3.05 billion invested in bicycle, pedestrian and rail-trail projects; and

WHEREAS, efforts are underway in the House Appropriations Committee to eliminate funding for eligible projects including pedestrian and bicycle facilities; scenic or highway programs; historic preservation such as bridges and roads, transportation museums and visitor centers; and preservation of abandoned railway corridors and conversion to rail-trails; and

WHEREAS, Charleston has been the recipient of over \$3 million in TEP funds for high profile projects such as improvements to our State Capital Complex, development of the Capitol Market, the Elk River Park, and the future Gateway Green space project; and

WHEREAS, the City of Charleston will lose a funding source for future projects such as streetscape enhancements, rail-trail development, green space development and more if the TEP is not reinstated; and

WHEREAS, the TEP program accounts for less than \$.02 for every Federal surface transportation dollar;

NOW, THEREFORE, the City of Charleston urges Congressman Alan Mollohan, a member of House Appropriations Committee, and Congresswoman Capito, a member of House Transportation Committee, to fully support reinstating TEP funding beginning October 1, 2003.

The question being on the adoption of the Resolution a vote was taken. There being no dissent and the Mayor declared Resolution No. 339-03, adopted.

FINANCE

Councilman Bobby Reishman, Chairman of the Council Committee on Finance, submitted the following reports.

1. Your Committee on Finance has had under consideration Resolution No. 329-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 329-03 – “Authorizing the Finance Director to make revisions to the 2003-2004 Parking System 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 2003-2004 Parking System 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-0, absent-2, as follows:

YEAS: Clowser, Chestnut, Deitzler, Davis, Foster, Hall, Hanna, Harris, Harrison, Higgins, Jones, Lane, Lanham, Miller, Monroe, Morton, Nielsen, Reed, Reishman., Robertson, Sadd, Talkington, Ware, Weintraub, White, Mayor Jones.

NAYS:

ABSENT: Loeb, Markham.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 329-03, adopted.

2. Your Committee on Finance has had under consideration Resolution No. 330-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 330-03 – “Authorizing the Finance Director to make revisions to the 2003-2004 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 2003-2004 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-25, nays-0, absent-2, abstain-1, as follows:

YEAS: Clowser, Chestnut, Deitzler, Davis, Hall, Hanna, Harris, Harrison, Higgins, Jones, Lane, Lanham, Miller, Monroe, Morton, Nielsen, Reed, Reishman., Robertson, Sadd, Talkington, Ware, Weintraub, White, Mayor Jones.

NAYS:

ABSENT: Loeb, Markham.

ABSTAIN: Foster.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 330-03, adopted.

3. Your Committee on Finance has had under consideration Resolution No. 331-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 331-03 – “Authorizing the Chief of Police to enter into an Agreement with The Board of Education

monthly meetings of the Board for the period August 11, 2003 through December 31, 2003. The Board shall pay the City, on a monthly basis, an amount equal to the number of hours worked in the preceding month time \$25.00 per hour, with a minimum of four hour per meeting.”

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

That the Chief of Police is hereby authorized and directed to enter into an Agreement with The Board of Education of the County of Kanawha to use Charleston Police Department officers to provide armed security during bi-monthly meetings of the Board for the period August 11, 2003 through December 31, 2003. The Board shall pay the City, on a monthly basis, an amount equal to the number of hours worked in the preceding month time Twenty-five Dollars (\$25.00) per hour, with a minimum of four hour per meeting.

The question being on the adoption of the Resolution a vote was taken. There being one abstention by John Miller, and one “Nay” by Mark Sadd, the Mayor declared Resolution No. 331-03, adopted.

4. Your Committee on Finance has had under consideration Resolution No. 332-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 332-03 – “Authorizing the Mayor to sign Change Order No. 1 with B.B.R. Drilling Co., in the amount of \$24,460, to provide an extension to the Kennawa Drive Retaining Wall for an additional 56 feet to correct a dip at the upper end of the street, and to remove an old culvert underneath the street. The change order increases the contract price from \$157,000 to \$181,460.”

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 B.B.R. Drilling Co., in the amount of Twenty-four Thousand Four Hundred Sixty Dollars (\$24,460), to provide an extension to the Kennawa Drive Retaining Wall for an additional 56 feet to correct a dip at the upper end of the street, and to remove an old culvert underneath the street. The change order increases the contract price from \$157,000 to \$181,460.

The question being on the adoption of the Resolution a vote was taken. There being no dissent and the Mayor declared Resolution No. 332-03, adopted.

5. Your Committee on Finance has had under consideration Resolution No. 333-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 333-03 – “Authorizing the Mayor to sign a Subordination Agreement between the City of Charleston and Solution One Mortgage.”

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

That the Mayor is hereby authorized and directed to sign a Subordination Agreement between the City of Charleston and Solution One Mortgage.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-26, nays-0, absent-2, as follows:

YEAS: Clowser, Chestnut, Deitzler, Davis, Foster, Hall, Hanna, Harris, Harrison, Higgins, Jones, Lane, Lanham, Miller, Monroe, Morton, Nielsen, Reed, Reishman., Robertson, Sadd, Talkington, Ware, Weintraub, White, Mayor Jones.

NAYS:

ABSENT: Loeb, Markham.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 333-03, adopted.

6. Your Committee on Finance has had under consideration Resolution No. 334-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 334-03 – “Authorizing the Mayor to enter into a contract with Synkote Specialties Company, in the amount of \$22,500, to apply an EIFS Water Managed System to the wall of the Sojourners building located at 1418 Washington Street, East.”

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 Synkote Specialties Company, in the amount of Twenty-two Thousand Five Hundred Dollars (\$22,500), to apply an EIFS Water Managed System to the wall of the Sojourners building located at 1418 Washington Street, East.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-26, nays-0, absent-2, as follows:

YEAS: Clowser, Chestnut, Deitzler, Davis, Foster, Hall, Hanna, Harris, Harrison, Higgins, Jones, Lane, Lanham, Miller, Monroe, Morton, Nielsen, Reed, Reishman., Robertson, Sadd, Talkington, Ware, Weintraub, White, Mayor Jones.

NAYS:

ABSENT: Loeb, Markham.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 334-03, adopted.

7. Your Committee on Finance has had under consideration Resolution No. 335-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 335-03 – “Authorizing the Finance Director to allocate funds in the amount of \$27,500 for acquisition of one (1) HOME project on the City’s West Side.”

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

That the Finance Director is hereby authorized and directed to allocate funds in the amount of Twenty-seven Thousand Five Hundred Dollars (\$27,500) for acquisition of one (1) HOME project on the City’s West Side.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-26, nays-0, absent-2, as follows:

YEAS: Clowser, Chestnut, Deitzler, Davis, Foster, Hall, Hanna, Harris, Harrison, Higgins, Jones, Lane, Lanham, Miller, Monroe, Morton, Nielsen, Reed, Reishman., Robertson, Sadd, Talkington, Ware, Weintraub, White, Mayor Jones.

NAYS:

ABSENT: Loeb, Markham.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 335-03, adopted.

8. Your Committee on Finance has had under consideration Resolution No. 336-03, and reports the same to Council with the recommendation that the committee report be adopted.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-26, nays-0, absent-2, as follows:

YEAS: Clowser, Chestnut, Deitzler, Davis, Foster, Hall, Hanna, Harris, Harrison, Higgins, Jones, Lane, Lanham, Miller, Monroe, Morton, Nielsen, Reed, Reishman., Robertson, Sadd, Talkington, Ware, Weintraub, White, Mayor Jones.

NAYS:

ABSENT: Loeb, Markham.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 336-03, adopted.

9. Your Committee on Finance has had under consideration Resolution No. 337-03, and reports the same to Council with the recommendation that the committee report be adopted.

providing for Mr. Hudson to enter into a payment plan to pay the City a total of \$53,912 over a three year period to satisfy the City's claim for reimbursement of workers' compensation benefits paid by the City and recovered by the employee from a third party; and further authorizing the Mayor to execute all agreements and documents related to the settlement."

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

That a settlement of a claim against Dennis Hudson by the City of Charleston, providing for Mr. Hudson to enter into a payment plan to pay the City a total of Fifty-three Thousand Nine Hundred Twelve Dollars (\$53,912) over a three year period to satisfy the City's claim for reimbursement of workers' compensation benefits paid by the City and recovered by the employee from a third party; and further authorizing the Mayor to execute all agreements and documents related to the settlement.

The question being on the adoption of the Resolution a vote was taken. There being no dissent and the Mayor declared Resolution No. 337-03, adopted.

10. Your Committee on Finance has had under consideration a bid submitted by Data 911, in the amount of \$22,788, for purchase of four (4) mobile modular computers for police cruisers utilized by officers of the K-9 Unit of the Charleston Police Department, 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 unanimo usly.

11. Your Committee on Finance has had under consideration Bill No, 6988, as amended, and reports the same to Council that the committee report be adopted.

Bill No. 6988, as amended - - A Bill to amend and revise Section 31-213 of the City Code of the City of Charleston to raise parking rate from \$1.00 to \$2.00 for building #6 located on Summers Street from 10:00 p.m. to 4:00a.m.

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

That the Council of City of Charleston does hereby amend and revise Section 31-213 of the City Code, the City of Charleston to raise parking rate from \$1.00 to \$2.00 for building #6 located on Summers Street from 10:00 p.m. to 4:00 a.m.

Section 31-213. Management of and regulations governing city owned lots and buildings.

(a) All parking lots and buildings owned or operated by the City shall be operated under the control and management of the Parking Facilities Committee, who are hereby authorized to promulgate rules and regulations governing such usage not inconsistent herewith. It shall be unlawful for any person to park any motor vehicle or other conveyance so as to occupy or use space in such parking lots or buildings without making payment of the appropriate fees or charges therefore as hereinafter provided. Motor vehicles shall be parked, placed, handled and driven into, from, in and on such parking lots in accordance with the applicable laws and ordinances of the City relative to traffic upon the streets in the City, and in accordance with the rules and regulations respecting usage of such parking lots which are adopted and promulgated by the Parking Facilities Committee, and in accordance with the directions, instructions and order of the official city attendants of each of such lots stationed thereon. It shall be unlawful for any person or vehicle to block any driveway or passageway in or upon such parking lots or buildings, or for persons to leave or park cars therein contrary to the applicable ordinances, rules and regulations and instructions of attendants, as aforesaid, or without paying the required rental fees.

(b) The rental fees for each separate usage of any single parking space on any parking lot not specifically set forth below shall be at the rate of three dollars per day.

(c) The rental fees for each separate usage for any single parking space in the Civic Center Parking Building North and South and on the surface parking lost adjacent to the Charleston Civic Center shall be as follows:

(1) 6:00 a.m. through 5:00 p.m.	
Less than one hour	\$1.00
One to two hours	2.00
Two to three hours	3.00

(2) 5:00 p.m. through 6:00 a.m.	\$1.00
Less than one hour	2.00
One to two hours	3.00
Two to three hours	3.00
Daytime maximum	3.00
(3) Events (pre-charge)	\$3.00
(4) Civic Center North, per month (exclusive of event parking)	\$25.00

(d) The rental fee for each separate usage of any single metered parking space in the parking lot owned by the City behind City Hall and the single metered parking spaces on the west side of Laidley Street between Kanawha Boulevard and Virginia Street East shall be Twenty-five cents for thirty-six minutes. The rental fee for each separate usage of any single metered parking space in the lot behind the Municipal Auditorium shall be Fifty cents per hour and the rental fee for each un-metered parking space in the lot behind the Municipal Auditorium shall be Thirty Dollars per calendar month, provided that the fee for each un-metered parking space leased on a monthly basis after July 1, 2000 shall be Forty Dollars per calendar month. The rental fee for each separate usage single metered parking space in a City owned off-street parking lot, not otherwise expressly set forth in this Bill, shall be at a rate of Twenty-five cents per hour. The rental for each separate usage of any fee boxed parking space in a City owned off-street parking lot, not otherwise expressing set forth in this Bill, shall be at a rate of One Dollar per calendar day, excluding Sunday and legal holidays. The rental fee for each separate usage of any of five spaces in the Summers Street alley shall be Seventy-five Dollars per month plus a Ten Dollar activation fee.

(e) Parking shall be provided for city employees on the top floor of Building No. 5. (The City shall pay the Parking System Two Dollar per day, five days per week, for forty-eight weeks for each City employee. The City Manager shall report quarterly to the Parking Facilities Committee the number of employees and the allocation of parking spaces between the two buildings; Council parking - twenty-six permits at Two Dollars per day, an average of one day per week for forty-eight weeks.) The Parking System Director shall make available to members of Council, parking spaces in the Shanklin Park parking facility on or about 6:00 p.m. for attending meetings of Council or its committee under the same terms and conditions as the Director makes available to City employees. The City has provided 10 parking spaces on the west side of Laidley Street between Kanawha Boulevard and Virginia Street East to the Parking System to be used as metered parking in exchange for the use of 10 reserved spaces within Building No. 5. This exchange shall stay in effect until the earlier of January 1, 2002, or the date the City and/or Parking Facilities Committee shall provide a written notice of termination to the other party.

(f) Civic Center event parking in lots A, B, C, D, and E, as shown on the attached map and incorporated herein by reference, shall be at the rate of three dollars per event. Any or all of lots A, B, C, D, and E may be leased to merchants or business associations for mutually agreed upon covenants; provided that such groups do not impose parking fees upon the general public for parking privileges. Any such leases shall be subject to the approval of the City Council's Parking Facilities Committee.

(g) Except as set forth in paragraph (e) above, the rental fees for each separate usage of any single parking space in any parking building constructed or operated by the City, other than fees for parking buildings otherwise expressly set forth in this section shall be as follows:

(1) 6:00 a.m. to 10:00 p.m.	
Hourly parking rates:	One dollar per hour, up to a maximum of five dollars per day.

Building No. 6 (Summers Street Parking Garage)

~~5:00 p.m. to 10:00 p.m. — One dollar~~

5:00 p.m. to 4:00 a.m. Two Dollars

Monday through Friday

Monday through Saturday

(2) Monthly Non-Reserve Space parking:

Sixty dollars per month.

(3) Reserve Space parking:

Seventy dollar per month plus one time activation cost fee of Ten dollars.

(4) Service Fee
Fifteen dollar monthly service fee charged to all accounts if paid after the tenth of the month.

(5) Deposit:

Ten dollar deposit for each monthly card. Ten dollar additional charge for each lost or destroyed card.

(6) Events pre-charge:
Four dollars for pre-approved events or activities scheduled for more than four hours and/or beginning before 5:00 p.m.

Three dollars for pre-approved events or activities scheduled for less than four hours and beginning after 5:00 p.m.

(i) Notwithstanding any provision of this section to the contrary, there shall be a separate hotel usage rate for Building No. 6, better known as the Summers Street Parking Garage and Building No.2, better known as the Washington Street Parking Garage, which shall consist of an initial rate and an overage rate, subject to the following conditions and calculated as provided below:

1. There shall be two time periods used in calculating the hotel usage rate: "Peak Period" shall mean the period beginning at 9:00 a.m. and ending at 4:00 p.m., Monday through Friday; "Off Peak", shall mean any time period not considered "Peak Period" and includes weekends and legal holidays established pursuant to the West Virginia Code; "Parking Day" shall mean a period of 24 hours, or any time increment of less than 24 hours therein, commencing at 4:00 p.m. and ending the following 3:59 p.m.

2. The initial rate shall be \$2.00 per car per Parking Day with a minimum annual average of 50 cars per Parking Day, and said initial rate shall be payable quarterly in advance to guarantee the hotel usage rate.

3. The hotel usage rate shall apply only to the extent that no more than 30% of the cars parked during a Parking Day are parked during the Peak Period. Cars parked in excess of such 30% during the Peak Period shall be charged the standard daily charge per car to the general public, such excess parking amount to be calculated on the average number of cars parked per quarter and paid quarterly in arrears.

4. The overage rate shall be \$1.00 per car per Parking Day for each car in excess of the fifty car minimum per day, calculated on the average number of cars parked per quarter and paid quarterly in arrears.

5. The initial rate shall be adjusted annually based upon the greater of (i) 50% of the daily charge per car to the general public; or (ii) the actual increase in additional costs to the Parking System associated with

accommodating the hotel usage rate including but not limited to any security costs incurred by the Parking System, plus 15%.

6. Each contract in conjunction with the hotel usage rate shall be approved by the City Council and such contract shall be subject to the terms of this Parking System Rate Ordinance, as it is amended from time to time.

(j) Removal of any vehicle from any parking lot shall terminate the right of the user for that vehicle created by prior payment of rental fees. No vehicle shall be reparked on any City parking lot on the same day except upon payment of rental fees hereinabove provided.

(k) If on or before November 15, 2001, and November 15, of each succeeding year thereafter, the City Council, upon recommendation of the Parking Facilities Committee, adopts a resolution calling for the same, the City shall provide for two hour non-ticket parking at the on-street metered parking spaces for each Saturday in the following December; provided that each vehicle parked at a meter in excess of two hours will be ticketed and the penalty shall be Twenty-Five Dollars.

(l) The Parking Facilities Committee may by resolution adopt short term parking promotions when it determines that such promotions will enhance the use of the Parking System and will not have an adverse effect on the revenue of the Parking System.

(m) Hereafter, no parking space shall be sold or occupied, except by the payment of the appropriate additional rental fees, for a longer period of time than those above stated.

The question being on the passage of the Bill a roll call was taken and there yeas-25, nays-0, absent-2, as follows:
YEAS: Clowser, Chestnut, Deitzler, Davis, Foster, Hall, Hanna, Harris, Harrison, Higgins, Jones, Lane, Lanham, Miller, Monroe, Morton, Reed, Reishman., Robertson, Sadd, Talkington, Ware, Weintraub, White, Mayor Jones.
NAYS:
ABSENT: Loeb, Markham.
Abstain: Nielsen.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the Bill No. 6988, as amended, passed.

12. Your Committee on Finance has had under consideration Bill No, 6993, as amended, and reports the same to Council that the committee report be adopted.

Bill No. 6993, a Bill authorizing the City of Charleston, acting by and through its Sanitary Board, to acquire by purchase or eminent domain a tract of land adjacent to the existing sanitary sewer plant in North Charleston.

WHEREAS, the City and the Sanitary Board have entered into a consent order with the West Virginia Division of Environmental Protection that requires the Sanitary Board to expand the existing sanitary sewer plant located in North Charleston and to construct certain new facilities for the treatment of sewage; and

WHEREAS, the Sanitary Board has identified a tract of land containing 8.37 acres, more or less (the "Land"), adjacent to the existing sanitary sewer plant that is owned by Union Carbide Corporation and that will provide adequate space for the expansion of the sanitary sewer plant and the construction of the required new facilities; and

WHEREAS, the Sanitary Board anticipates that the acquisition price of the Land will not exceed the sum of Four Hundred Twenty Thousand Dollars (\$420,000.00);

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CHARLESTON, WEST VIRGINIA: That the Sanitary Board is hereby authorized and directed, on behalf of the City, to negotiate the purchase of the Land from Union Carbide Corporation upon such terms as, in the judgment of the Sanitary Board, shall adequately protect the interests of the City, and in the event the Sanitary Board is not successful in negotiating the purchase of the Land from Union Carbide Corporation, then the Sanitary Board is further hereby authorized and directed, on behalf of the City, to initiate proceedings to acquire the Land by eminent domain.

This ordinance shall become effective immediately upon passage.

The question being on the passage of the Bill a roll call was taken and there yeas-25, nays-0, absent-2, as follows:
YEAS: Clowser, Chestnut, Deitzler, Foster, Hall, Hanna, Harris, Harrison, Higgins, Jones, Lane, Lanham, Miller, Monroe, Morton, Nielsen, Reed, Reishman., Robertson, Sadd, Talkington, Ware, Weintraub, White, Mayor Jones.

NAYS:

ABSENT: Loeb, Markham.

Abstain: Davis.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the Bill No. 6993, passed.

13 Your Committee on Finance has had under consideration Bill No. 6994, and reports the same to Council that the committee report be adopted.

Bill No. 6994- -Authorizing the City to purchase three (3) lots on Mary Street, Charleston, to be used for the purpose of repairing and maintaining a structural wall supporting Mary Street and authorizing and directing the Mayor to accept a deed for said lots on behalf of the City of Charleston.

WHEREAS, a portion of the wall which supports Mary Street and abuts the three (3) lots is in need of structural repair;

WHEREAS, the City needs to use these lots for access to the wall and for maintaining the structural integrity of Mary Street;

WHEREAS, it would be most cost effective to purchase the lots for this endeavor.

Be it Ordained by the Council of the City of Charleston, West Virginia: That the Council for the City of Charleston hereby authorizes and directs the purchase of three (3) lots on Mary Street for a sum not to exceed \$18,000, which represents fair and adequate consideration for the parcels, and authorizes and directs the Mayor to accept a deed for said lots on behalf of the City of Charleston:

The property begins at 509 Mary Street and includes the two (2) lots adjacent thereto. The lots are described as follows:

Lot 40 (509 Mary Street):

BEGINNING at a stake in the lower side of Mary Street, extended, corner to Wade lot; thence with lower line of said Mary Street, extended, in a southerly direction a distance of forty (40) feet to a stake, corner to a lot of land formerly owned by William Rowland and Iva Pearl Rowland; thence parallel with the Wade lot down the hill about 110 feet to a stake; thence with a line parallel to Mary Street, extended; about 40 feet to a stake in the line of the Wade lot; thence with the line of said Wade lot to the place of beginning, and being part of Lot No. Fifteen (15) of the Glen Elk Hill Lands.

Lot 41:

BEGINNING at a stake in the lower line of Mary Street extended, corner to a lot sold to Elizabeth Humphreys on September 1, 1913; thence down the hill towards Magazine Branch with the Humphrey's line about 110 feet to a post; thence along the line of the E.C. Spradling land, and up to a hollow about 65 feet to a stake and a corner to a lot owned by E.R. Walker; thence up the hill with the Walker line to a stake in the line of

Mary Street; thence with the line of said Mary Street 65 feet towards Elk River to the place of beginning.

Lot 42: adjacent to lot 41, referenced in deed book 2503 page 614.

The question being on the passage of the Bill a roll call was taken and there yeas-26, nays-0, absent-2, as follows:
YEAS: Clowser, Chestnut, Davis, Deitzler, Foster, Hall, Hanna, Harris, Harrison, Higgins, Jones, Lane, Lanham, Miller, Monroe, Morton, Nielsen, Reed, Reishman., Robertson, Sadd, Talkington, Ware, Weintraub, White, Mayor Jones.

NAYS:

ABSENT: Loeb, Markham.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the Bill No. 6994, passed.

14. Your Committee on Finance has had under consideration a Payment of an invoice from Kanawha Dental Health Council, in the amount of \$7,000, for dental health educators' salaries. To be charged to Account NO. 009-002-00-011-0-999, CDBG-Public 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 roll call was taken and there yeas-26, nays-0, absent-2, as follows:

YEAS: Clowser, Chestnut, Deitzler, Davis, Foster, Hall, Hanna, Harris, Harrison, Higgins, Jones, Lane, Lanham, Miller, Monroe, Morton, Nielsen, Reed, Reishman., Robertson, Sadd, Talkington, Ware, Weintraub, White, Mayor Jones.

NAYS:

ABSENT: Loeb, Markham.

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

15. Your Committee on Finance has had under consideration a Payment of an invoice from LifeBridge, Inc., in the amount of \$6,847.81, for reimbursement of rent and salaries for the PAT Learn & Play Center. To be charged to Account No. 009-002-00-011-0-999, CDBG – Public 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 roll call was taken and there yeas-26, nays-0, absent-2, as follows:

YEAS: Clowser, Chestnut, Deitzler, Davis, Foster, Hall, Hanna, Harris, Harrison, Higgins, Jones, Lane, Lanham, Miller, Monroe, Morton, Nielsen, Reed, Reishman., Robertson, Sadd, Talkington, Ware, Weintraub, White, Mayor Jones.

NAYS:

ABSENT: Loeb, Markham.

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

16. Your Committee on Finance has had under consideration a Payment of an invoice from Bowles, Rice, McDavid, Graff & Love, in the total amount of \$4,372.49, for representation on general workers' compensation claims during the months' of May and June 2003. To be charged to Account No. 001-417-00-000-2-223, Legal Department – Professional Services 2002-2003, 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

NONE.

NEW BILLS INTRODUCED

Introduced by Councilman John Miller, Jr. on August 4, 2003:

Bill No. 6996, A Bill to establish a 4 Way Stop intersection at the intersection of 42nd Street, S.E. and Noyes 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.

Refer to Council Committee on Streets and Traffic.

Introduced by Councilman John Miller, Jr. on August 4, 2003:

Bill No. 6997, A Bill to establish a 4 Way Stop intersection at the intersection of 39th Street, S.E. and Noyes 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.

Refer to Council Committee on Streets and Traffic

UNFINISHED OR MISCELLANEOUS BUSINESS

None.

ROLL CALL

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

YEAS: Chestnut, Clowser, Davis, Deitzler, Foster, Hall, Hanna, Harris, Harrison, Higgins, Jones, Lane, Lanham, Miller, Monroe, Morton, Nielsen, Reed, Reishman, Robertson, Sadd, Talkington, Ware, Weintraub, White, Mayor Jones.

ABSENT: Loeb, Markham

At 7:50 p.m., on motion of Councilman Loeb, Council adjourned until August 18, 2003, at 7:00 p.m.

Danny Jones, Honorable Mayor

James M. Reishman, City Clerk