

JOURNAL
OF THE
COUNCIL
CITY OF CHARLESTON
WEST VIRGINIA
FEBRUARY 3, 2003

THE COUNCIL MET IN CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE FIRST MEETING IN THE MONTH OF FEBRUARY ON THE 3rd DAY, IN THE YEAR 2003, AND WAS CALLED TO ORDER BY THE HONORABLE MAYOR, JAY GOLDMAN, AT 7:30 P.M. THE INVOCATION WAS DELIVERED BY HENRY KNAUFF, AND THE PLEDGE OF ALLEGIANCE WAS LEAD BY BILL KIMBERLING.

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

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

TWENTY-SEVEN 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.

FEBRUARY 3, 2003, FIRST MEETING

CHARLESTON CITY COUNCIL JOURNAL FEBRUARY 3, 2003

PUBLIC SPEAKERS

1. Mrs. Corbett; 919 Beech Ave., Charleston, WV.

CLAIMS

1. A claim of Cecil R. White, 32 Bridlewood Rd., Charleston, WV; alleges damage to vehicle; Refer to City Solicitor.
2. A claim of Daniels Inc., 222 Broad St., Charleston, WV; alleges damage to property; Refer to City Solicitor.
3. A claim of Clarence Scott, 902 6th St., Charleston, WV; alleges damage to vehicle; Refer to City Solicitor.

COMMUNICATIONS

APPOINTMENT

ONE FOLLOWING

MISCELLANEOUS RESOLUTIONS

NONE.

URBAN RENEWAL

Bill No. 6957, as amended

Introduced in Council

Passed by Council

February 3, 2003

Introduced by

Referred to

Sara Crickenberger

Committee on Urban Renewal

A Bill adopting the Urban Renewal Plan for Demolishing Substandard Residential Structures for the purpose of acquiring and demolishing sub-standard Residential structures and in turn, providing sites for new housing located within the incorporated areas of the City of Charleston pursuant to Chapter 16, Article 18 of the West Virginia Code.

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

1. The City Council finds that:

a. The Charleston Urban Renewal Authority has recommended a plan of action for the redevelopment of scattered sites within the incorporated areas of the City of Charleston in accordance with Chapter 16, Article 18 of the West Virginia Code.

b. A general plan known as the Comprehensive Plan for the City of Charleston has been adopted by City Council and is recognized and used as a general guide for the development of the locality as a whole; and

c. The Municipal Planning Commission of the City of Charleston has submitted to the Charleston Urban Renewal Authority and to City Council its findings and recommendations concerning the conformity of the proposed urban renewal plan with the Comprehensive Plan for the City; and

d. City Council has duly considered the findings and recommendations of the Municipal Planning Commission.

2. The proposed redevelopment of scattered sites within the incorporated areas of the City of Charleston is consistent with goals, objectives, plans and priorities established by the Comprehensive Plan for the City of Charleston.

3. The proposed redevelopment of scattered sites within the incorporated areas of the

City of Charleston, is hereby found to be feasible and in conformity with the general plan for the development of the community as a whole.

4. The proposed redevelopment of scattered sites within the incorporated areas of the City of Charleston, shall proceed in accordance with the plan as amended by the City Council, as approved by the Charleston Urban Renewal on November 13, 2002, a copy of which is attached hereto and filed with this bill in the Office of the City Clerk, and such plan is hereby endorsed, adopted, and approved by the Council of the City of Charleston, West Virginia.

The question being on the passage of the Bill a roll call was taken and there were; yeas-19, nays-8, absent-0, as follows:

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

NAYS: Harris, Jones, Knauff, James Lanham, Lopez, Markham, McKnight, Pettry.

ABSENT: None.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the Bill No. 6957 as amended, passed.

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. 150-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 150-03 – “Authorizing the Mayor to enter into a Real Estate Sale and Purchase Agreement with Morris Square Associated, LLC, substantially in the form of the draft agreement dated February 3, 2003, to purchase the Morris Square Block and the Kroger Company Properties, and all parcels, lots or tracts of land thereon, at a purchase price of \$6,000,000, contingent upon 1) a resolution of Civil Action No. 02-MISC-352, West Virginia Citizens Action Group vs. West Virginia Economic Development Grant Committee; and 2) final attorney review.”

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 Real Estate Sale and Purchase Agreement with Morris Square Associated, LLC, substantially in the form of the draft agreement dated February 3, 2003, to purchase the Morris Square Block and the Kroger Company Properties, and all parcels, lots or tracts of land thereon, at a purchase price of Six Million Dollars (\$6,000,000), contingent upon 1) a resolution of Civil Action No. 02-MISC-352, West Virginia Citizens Action Group vs. West Virginia Economic Development Grant Committee;

and 2) final attorney review.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-20, nays-7, absent-0, as follows:

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

NAYS: Harris, Jones, James Lanham, Markham, McKnight, Pettry, Prunty.

ABSENT: None.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 150-03, adopted.

2. Your Committee on Finance has had under consideration Resolution No. 176-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 176-03 – “Authorizing the Mayor to sign a renewal of the Letter of Credit with Bank One for Parking System Revenue Bonds, Series 1994-A, 1994-B, and 1995-A; and further authorizing payment in the amount of \$100,616.79 for the Letter of Credit.”

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

That the Mayor is hereby authorized and directed to sign a renewal of the Letter of Credit with Bank One for Parking System Revenue Bonds, Series 1994-A, 1994-B, and 1995-A; and further authorizing payment in the amount of One Hundred Thousand Six Hundred Sixteen Dollars and Seventy-nine Cents (\$100,616.79) for the Letter of Credit.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 176-03, adopted unanimously

3. Your Committee on Finance has had under consideration Resolution No. 177-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 177-03 – “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-27, nays-0, absent-0, as follows:

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

NAYS: None.

ABSENT: None.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 177-03, adopted.

4. Your Committee on Finance has had under consideration Resolution No. 178-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 178-03 – “Authorizing the Mayor to enter into an agreement with the West Virginia Department of Transportation, Division of Highways, and the University of Charleston, with regard to joint responsibilities for the establishment and maintenance of a new traffic signal system at MacCorkle Avenue (WV 61) and the proposed new entrance to the University of Charleston.”

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

That the Mayor is hereby authorized and directed to enter into an agreement with the West Virginia Department of Transportation, Division of Highways, and the University of Charleston, with regard to joint responsibilities for the establishment and maintenance of a new traffic signal system at MacCorkle Avenue (WV 61) and the proposed new entrance to the University of Charleston.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 178-03, adopted unanimously

5. Your Committee on Finance has had under consideration Resolution No. 179-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 179-03 – “Authorizing the Mayor to sign Change Order No. 1 with Wiseman Construction Co., Inc., in the amount of \$86,702, for installation of the lighting system for the Bridge Road Retaining Wall project.”

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

That the Mayor is hereby authorized and directed to sign Change Order No. 1 with Wiseman Construction Co., Inc., in the amount of Eighty-six Thousand Seven Hundred Two Dollars (\$86,702), for installation of the lighting system for the Bridge Road Retaining Wall project. This change order increases the contract price from \$1,056,722 to \$1,143,474.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 179-03, adopted unanimously

6. Your Committee on Finance has had under consideration Resolution No. 180-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 180-03 – “Authorizing the Mayor to sign Change Order No. 2 with Wiseman Construction Co., Inc., in the amount of \$111,000, for the addition of Wall No. 3 to the Bridge Retaining Wall project.”

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

That the Mayor is hereby authorized and directed to sign Change Order No. 2 with Wiseman Construction Co., Inc., in the amount of One Hundred Eleven Thousand Dollars (\$111,000), for the addition of Wall No. 3 to the Bridge Retaining Wall project. This change order increases the contract price from \$1,143,474 to \$1,254,474.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 180-03, adopted unanimously

7. Your Committee on Finance has had under consideration Resolution No. 181-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 181-03 – “Authorizing the Mayor to sign Change Order No. 3 with Wiseman Construction Co., Inc., in the amount of \$13,973, for the addition of skid-proof asphalt to the Bridge Road Retaining Wall project.”

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

That the Mayor is hereby authorized and directed to sign Change Order No. 3 with Wiseman Construction Co., Inc., in the amount of Thirteen Thousand Nine Hundred Seventy-three Dollars (\$13,973), for the addition of skid-proof asphalt to the Bridge Road Retaining Wall project. This change order increases the contract price from \$1,254,474 to \$1,268,447.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 181-03, adopted unanimously.

8. Your Committee on Finance has had under consideration Resolution No. 182-03, and reports the same to Council with the recommendation that the recommendation that the committee report be adopted.

Resolution No. 182-03 – “Authorizing the Mayor to enter into a contract with Sam’s Excavation, in the amount of \$3,244, for clearing of a lot for the development of new burial sites at Spring

Hill Cemetery Park.”

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 Sam’s Excavation, in the amount of Three Thousand Two Hundred Forty-four Dollars (\$3,244), for clearing of a lot for the development of new burial sites at Spring Hill Cemetery Park.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 182-03, adopted unanimously

9. Your Committee on Finance has had under consideration Resolution No. 183-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 183-03 – “Authorizing the Mayor to sign two grant applications with the West Virginia Governor’s Highway Safety Office. One application is for the award of funds in the amount of \$6,000 to be expended through the Charleston Police Department and Kanawha County Sheriff’s Department for training and/or equipment. These funds were awarded for participation in the 2002 “Click It or Ticket” campaign. The second application is for funds in the amount of \$9,700 for the West Virginia Child Passenger Safety Program to purchase materials for participants in the 32-hour Child Passenger Safety Technician Courses, pay recertification fees, and purchase t-shirts for CPS Technicians.”

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

That the Mayor is hereby authorized and directed to sign two grant applications with the West Virginia Governor’s Highway Safety Office. One application is for the award of funds in the amount of Six Thousand Dollars (\$6,000) to be expended through the Charleston Police Department and Kanawha County Sheriff’s Department for training and/or equipment. These funds were awarded for participation in the 2002 “Click It or Ticket” campaign. The second application is for funds in the amount of Nine Thousand Seven Hundred Dollars (\$9,700) for the West Virginia Child Passenger Safety Program to purchase materials for participants in the 32-hour Child Passenger Safety Technician Courses, pay recertification fees, and purchase t-shirts for CPS Technicians.

Your Committee on Finance has had under consideration Resolution No. 184-03, 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 vote was taken. There being no dissent the Mayor declared Resolution No. 183-03, adopted unanimously

10. Resolution No. 184-03 – “Authorizing the Mayor to enter into a contract with B-Dry Systems, in the amount of \$9,019.20, for installation of a Water Extraction System at Smith Street Station.”

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 B-Dry Systems, in the amount of Nine Thousand Nineteen Dollars and Twenty Cents (\$9,019.20), for installation of a Water Extraction System at Smith Street Station.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-26, nays-0, absent-0, abstain- 1, as follows:

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

NAYS: None.

ABSENT: None.

ABSTAIN: Molgaard.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 184-03, adopted.

11. Your Committee on Finance has had under consideration Resolution No. 185-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 185-03 - "Authorizing the Finance Director to amend the 2001 and 2002 Community Development Block Grant budgets as indicated on the attached list of accounts. This is contingent upon no adverse citizen comments being received during the 30-day comment period required through MOECD Citizen Participation Plan."

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

That the Finance Director is hereby authorized and directed to amend the 2001 and 2002 Community Development Block Grant budgets as indicated on the attached list of accounts. This is contingent upon no adverse citizen comments being received during the 30-day comment period required through MOECD Citizen Participation Plan.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-27, nays-0, absent-0, as follows:

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

NAYS: None.

ABSENT: None.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 185-03, adopted.

12. Your Committee on Finance has had under consideration Resolution No. 186-03, and reports

the same to Council with the recommendation that the Committee report be adopted.

Resolution No. 186-03 – “Authorizing the Mayor to enter into a contract with Kennedy Construction, in the amount of \$15,000, for repairs at the Harden Gilmore House.”

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 Kennedy Construction, in the amount of Fifteen Thousand Dollars (\$15,000), for repairs at the Harden Gilmore House.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-27, nays-0, absent-0, as follows:

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

NAYS: None.

ABSENT: None.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 186-03, adopted.

13. Your Committee on Finance has had under consideration Resolution No. 187-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 187-03 – “Authorizing the Mayor to sign and submit a Recreational Trails Program Grant Application to the West Virginia Department of Transportation in the amount of \$64,300.00 for the extension of Garrison Trail at Cato Park.”

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 a Recreational Trails Program Grant Application to the West Virginia Department of Transportation in the amount of Sixty-four Thousand Three Dollars (\$64,300.00) for the extension of Garrison Trail at Cato Park.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 187-03, adopted unanimously

14. Your Committee on Finance has had under consideration Resolution No. 188-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 188-03 – “Authorizing the Mayor to sign a HUD Section 108 Application for a loan of up to \$7.5M to loan to Charleston Town Center Limited Partnership for the sole purpose of the establishment of an anchor department store of equal or greater size than the old

Montgomery Ward store in such space, now vacant since March 2001. Submittal of the application to HUD is contingent upon the following:

1. Meeting the HUD application criteria, which includes but is not limited to:
 - a. CDBG national objective and public benefit terms,
 - b. Federal underwriting criteria,
 - c. Collateral of 120% of debt,
 - d. The loan amount shall not exceed the number of new full-time jobs at such department store multiplied by \$35,000,
 - e. Provision that 51% of the total FTE jobs must be filled by low to moderate income persons, and
 - f. First lien on the property with reverted of ownership to the City.
2. Twenty-year repayment of schedule acceptable to the City at a cost to the City of no more than 1/3 of the annual payment for increased B&O revenue at Charleston Town Center Mall.
3. An agreement between the City and Charleston Town Center Company Limited Partnership to keep the Mall in good condition.
4. MOECD holding a public meeting and publishing a 30-day comment period (MOECD Citizen Participation Plan).

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

That the Mayor is hereby authorized and directed to sign a HUD Section 108 Application for a loan of up to \$7.5M to loan to Charleston Town Center Company Limited Partnership for the sole purpose of the establishment of an anchor department store of equal or greater size than the old Montgomery Ward store in such space, now vacant since March 2001. Submittal of the application to HUD is contingent upon the above provisions.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-19, nays-8, absent-0, as follows:

YEAS: Charnock, Crickenberger, Davis, Haas, James Lanham, Lane, Kimberling, Loeb, Markham, Molgaard, Morton, Nielsen, Quick, Reishman, Roller, Talkington, David Lanham, Prunty, Weintraub, and Mayor Goldman.

NAYS: Fouty-Young, Harris, Jones, Knauff, James Lanham, Lopez, McKnight, Pettry.

ABSENT: None.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 188-03, adopted.

15. Your Committee on Finance has had under consideration a proposal submitted by Dill's Fire & Safety Equipment Co., Inc., in the amount of \$7,500, for purchase of a PosiCheck 3, a computer controlled, dynamic performance tester for SCBAs and supplied air respirators, to be used by the Charleston Fire Department. To be charged to Account No. 001-706-00-000-3-341, Fire Department – 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.

16. Your Committee on Finance has had under consideration a proposal submitted by Dill's Fire & Safety Equipment Co., Inc., in the amount of \$29,898, for purchase of a hydraulic rescue tool (Jaws of Life) for Fire Station No. 1, Rescue Unit #481. To be charged to Account No. 009-002-00-054-0-999, CDBG – Neighborhood Facilities, Fire Station No. 1, and reports the same to Council with the recommendation that the committee report be adopted.

The question being on the adoption of the Committee Report a roll call was taken and there were; yeas-27, nays-0, absent-0, as follows:

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

NAYS: None.

ABSENT: None.

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

17. Your Committee on Finance has had under consideration Bill No. 6914, and reports the same to Council with the recommendation that the Bill do pass, as amended.

Bill No. 6914

Introduced in Council

June 6, 2002

Introduced by

Ed Talkington

Passed by Council

February 3, 2003

Referred to

Municipal Planning Com., Planning Com.,
And Finance Comm.

FC Laid over 7-15-02

FC Tabled 8-5-02

FC Laid over 8-19-02

FC Removed 10-7-02

A Bill closing, abandoning and discontinuing as a public alley those four certain alleys contained in the block surrounded by Randolph Street, Ohio Avenue, Wyoming Street and Tennessee Avenue; and reserving sewer easements for The City of Charleston, West Virginia.

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

1. Those four certain alleys described as follows:
 - a. That 10 foot alley which runs from Randolph Street to Wyoming Street, parallel to Tennessee Avenue, and adjacent to parcels 1, 2, 3, 4, 5, 6, 7 and 20 of Block 11 of the J. B. Walker Additions to the City of Charleston,
 - b. That 10 foot alley which runs from Wyoming Street 142.50 feet south, parallel to Ohio Avenue and adjacent to parcels 10, 11, 12, 13 and 14 of Block 11 of the J. B. Walker Addition to the City of Charleston,
 - c. That 10 foot alley which runs from the alley outlined in paragraph (a) above for 120 feet west and then becomes a 15 foot alley for 47.5 feet west where it meets the alley outlined in paragraph (b) above and is adjacent to parcels 7, 8, 9, 10, 17, 18, 19 and 20 of block 11 of the J. B. Walker Addition to the City of Charleston,
 - d. That 10 foot alley which runs from Randolph Street 115 feet north, parallel to Ohio Avenue and adjacent to parcels 17 and 18 of the J. B. Walker Addition to the City of Charleston,

Are hereby closed, abandoned and discontinued.

2. The City of Charleston hereby reserves a sewer easement for the full length and width 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 other vegetation or take 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 foot without the written permission of the Sanitary Board of the City of Charleston and the City Engineer of the City of Charleston.

PETITION TO CLOSE, ABANDON, AND DISCONTINUE AS PUBLIC ALLEYS THOSE
PORTIONS IN THE BLOCK SURROUNDED BY RANDOLPH STREET, OHIO AVENUE,
WYOMING STREET AND TENNESSEE AVENUE, IN THE CITY OF CHARLESTON,
KANAWHA COUNTY, WEST VIRGINIA TO THE MAYOR AND COUNCIL OF THE CITY
OF CHARLESTON, WEST VIRGINIA:

I

Petitioners and The Salvation Army, a Georgia corporation, and The Greenbrier Company, and as such are the owners of land located in the 300 block of Tennessee Avenue in the City of Charleston, Kanawha County, West Virginia, as more specifically shown on the map

attached hereto and made a part hereof.

II.

Petitioners seeks to close four alleys as follows: the 10 foot wide alley extending from Randolph Street to Wyoming Street, the 10 foot wide alley extending from Wyoming Street 142.5 feet towards Randolph Street and that 10 foot wide alley extending from the first alley 120 feet and then becomes a 15 foot wide alley for 47.5 feet (this alley extends between the first two alleys) and 10 foot alley extending 115 feet from Randolph Street towards Wyoming Street.

III.

The Petitioners own all of the property in this block.

IV.

The Petitioners wish to close, abandon and discontinue as public alleys in order to better utilize their property by adding parking for the existing Thrift Store, expanding the existing playground and further enhancing the safety of the children who participate in the Boys and Girls Club activities as well as others who utilize the services provided by the Salvation Army.

V.

Annexed hereto are the following:

1. The map referred to above;
2. A proposed bill for enactment as an ordinance by the City Council to accomplish the requested alley closing; and
3. A list showing the names and addresses of all persons owning property in the block bounded by Randolph Street, Ohio Avenue, Wyoming Street and Tennessee Avenue

Respectfully submitted this 13th day of May, 2002

THE SALVATION ARMY,
A Georgia Corporation

By: ROY E. WILLIAMS
Captain, the Salvation Army
301 Tennessee Avenue
Charleston, WV 25302
Phone 304-343-4548

THE GREENBRIER COMPANY

By: John Griffin
Its President
Post Office Box 3144
Charleston, WV 25331

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

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

NAYS: None.

ABSENT: None.

ABSTAIN: Charnock, Harris.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the Bill No. 6914, passed.

18. Your Committee on Finance has had under consideration payment of an invoice from Trimble & Associates, in the amount of \$11,000, for arbitrage rebate computations for City of Charleston Outstanding Bond Issues. To be charged to Account No. 001-412-00-000-2-223, City Manager's Office – Professional Services, and reports the same to Council with the recommendation that the committee report be adopted.

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

19. Your Committee on Finance has had under consideration payment of an invoice from Apex Demolition Company, Inc., in the amount of \$10,600.53, for demolition of property located at 1201 Crescent Road consisting of 9,381 square feet at a cost of \$1.13 per square foot, as established through a contract approved by Council on April 1, 2002, To be charged to Account No. 009-002-00-033-0-999. CDBG – Demolition & Clearance, and reports the same to Council with the recommendation that the committee report be adopted.

The question being on the adoption of the Committee Report a roll call was taken and there were; yeas-27, nays-0, absent-0, as follows:

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

NAYS: None.

ABSENT: None.

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

20. Your Committee on Finance has had under consideration payment of an invoice from LifeBridge, Inc., in the amount of \$4,339.31, for salaries and operational expenses for the month of July 2002.

To be charged to the following accounts:

\$3,581.35 - 009-001-00-011-0-999, CDBG – Public Services

\$ 757.96 - 009-002-00-011-0-999, CDBG – Public Services

And reports the same to Council with the recommendation that the committee report be adopted.

The question being on the adoption of the Committee Report a roll call was taken and there were; yeas-27, nays-0, absent-0, as follows:

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

NAYS: None.

ABSENT: None.

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

REPORTS OF OFFICERS

NONE.

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, Pettry, Quick, Reishman, Roller, Talkington, David Lanham, Fouty-Young, Prunty, Weintraub, and Mayor Goldman.

ABSENT:

At 8:33p.m., on motion of Councilman Loeb, Council adjourned until 7:00 p.m., Thursday, February 13, 2003, for a Special Budget Meeting.

Jay Goldman, Honorable Mayor

James M. Reishman, City Clerk