

# ***JOURNAL***

## **OF THE**

# ***COUNCIL***

**CITY OF CHARLESTON**

**WEST VIRGINIA**

**JANUARY 6, 2003**

**THE COUNCIL MET IN CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE FIRST MEETING IN THE MONTH OF JANUARY ON THE 6TH 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 HENRY KNAUFF, AND THE PLEDGE OF ALLEGIANCE WAS LEAD BY JOHN CHARNOCK.**

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

**CHARNOCK  
FOUTY-YOUNG  
JONES  
LANE  
LOEB  
MCKNIGHT  
NIELSEN  
QUICK  
TALKINGTON**

**CRICKENBERGER  
HAAS  
KIMBERLING  
JAMES LANHAM  
LOPEZ  
MOLGAARD  
PETTRY  
REISHMAN  
WEINTRAUB**

**DAVIS  
HARRIS  
KNAUFF  
DAVID LANHAM  
MARKHAM  
MORTON  
PRUNTY  
ROLLER  
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.**

**JANUARY 6, 2003, FIRST MEETING**

**CHARLESTON CITY COUNCIL JOURNAL JANUARY 6, 2003**

**PUBLIC SPEAKERS**

1. NONE

**CLAIMS**

1. A claim of Rhonda Ashworth, 589 A Garrison Ave., Charleston, WV; alleges damage to vehicle;

Refer to City Solicitor.

2. A claim of Adrian Hanson, 5121 Venable Ave., Charleston, WV; alleges damage to property;

Refer to City Solicitor.

3. A claim of Grace Milstead, 609 25<sup>th</sup> St., Dunbar, WV; alleges damage to vehicle;

Refer to City Solicitor.

4. A claim of Egan Management Company, 550 Egan St., Charleston, WV; alleges damage to property;

Refer to City Solicitor.

5. A claim of Marilyn S. Sansom, 2506 Cherokee Ave., Charleston, WV; alleges personal injury;

Refer to City Solicitor.

6. A claim of Richard C. Ledford, 138A Avon St., Charleston, WV; alleges damage to property;

Refer to City Solicitor.

**COMMUNICATIONS**

NONE.

**MISCELLANEOUS RESOLUTIONS**

Resolution No. 151-03

Introduced in Council

January 6, 2003

Introduce by

Adopted by Council

January 6, 2003

Referred to

Mayor Jay Goldman and  
Members of City Council

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**Resolution No. 151-03:** In Support of the Nick J. Rahall, II Appalachian Transportation Institute's Charleston/Huntington/Kenova Greenway Project

**WHEREAS**, the City of Charleston is cognizant of the need for quality greenways to promote among its citizenry the benefits of improved health, recreation, tourism, and economic development, and

**WHEREAS**, the City of Charleston is highly interested and committed to the development of a Charleston/Huntington/Kenova, West Virginia regional Greenway, and

**WHEREAS**, due to their absence, there is a critical need to provide non-motorized trails and transportation opportunities on a regional basis, and

**WHEREAS**, it is imperative that partnerships be created with a variety of local, state, and federal agencies, as well as, the private sector, to achieve the greenway, and

**WHEREAS**, a preliminary plan commissioned by the Nick J. Rahall, II Appalachian Transportation Institute was recently finished, and

**WHEREAS**, The City of Charleston has partnered to assist in the funding of the local share required for a United States Department of Transportation Enhancement Grant for the construction of the first phase of the proposed Charleston/Huntington/Kenova Greenway.

**NOW, THEREFORE, BE IT RESOLVED by the City of Charleston**, West Virginia that:

It endorses, in concept, the Preliminary Plan For Non-Motorized Transportation in Southern West Virginia: A Case Study For An Alternate Source Of Transportation In the Charleston/Huntington/Kenova Corridor, and

**FURTHER THAT THE** City of Charleston does hereby urge the Nick J. Rahall, II Appalachian Transportation Institute, the State of West Virginia, and the United States federal government to do everything within their powers to assure the development of the Charleston/Huntington/Kenova Greenway in a timely, efficient, and effective manner.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 151-03, adopted unanimously

The Clerk read the following Resolution introduced by Howard Quick.

Resolution No. 159-03

Introduced in Council

January 6, 2003

Adopted by Council

January 6, 2003

Introduced by

Howard Quick

Referred to

\_\_\_\_\_

Resolution No. 159-03 – “Appointing a Select Committee of Council to perform certain functions for the Council in the City of Charleston Primary Election to be held on March 11, 2003.”

WHEREAS, the code of West Virginia, 1931 as amended, requires the Council of a municipality to perform certain functions in the conduct of an election; and

WHEREAS, the size of Council make it impractical to perform these functions as a body, and the West Virginia Secretary has directed that such functions be done by committee;  
NOW THEREFORE,

Be it Resolved by the council of the City of Charleston, West Virginia \_\_\_\_\_ :

That Howard Quick, Chairman, Betty Morton and David Molgaard, member of the Council of the City of Charleston, West Virginia, are hereby appointed as the Select Committee to perform all required functions in connection with the City of Charleston Primary Election to be held on the eleventh day of March, two thousand three, including but not limited to a canvass of votes cast.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 159-03, adopted unanimously

The clerk read the following Bill introduced by Howard Quick.

Bill No. 6962

Introduced in Council

January 6, 2003

Adopted by Council

January 6, 2003

Introduced by

Howard Quick

Referred to

\_\_\_\_\_

Bill No. 6962 – A Bill establishing the drawing date for the placement of names of candidates running for elected city positions on the ballot for the primary election to be held on March 11, 2003, said date for drawing is set for January 15, 2003, to take place in the City Clerk’s Office, beginning at 9:00 a.m., in compliance with the West Virginia State Code Section 3-5-13a.

Be it Ordained; that the City of Charleston: That the drawing date for the placement of names of candidates for all elected city positions on the ballot for the primary election to be held on March 11, 2003, is set for January 15, 2003, to take place in the City Clerk’s Office, beginning at 9:00 a.m., in compliance with the West Virginia State Code Section 3-5-13a.

This ordinance will become effective immediately.

The question being on the passage of the Bill 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 Bill No. 6962, 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. 136-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 136-03 – “Authorizing the Mayor to enter into a contract with West Virginia Steel, in the amount of \$58,230, for construction of the structural steel portion of the new Fire Station at Orchard Manor.”

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 West Virginia Steel, in the amount of Fifty-eight Thousand Two Hundred Thirty Dollars (\$58,230), for construction of the structural steel portion of the new Fire Station at Orchard Manor.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 136-03, adopted unanimously

2. Your Committee on Finance has had under consideration Resolution No. 137-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 137-03 – “Authorizing the Mayor to enter into a contract with Pass Fire Protection, in the amount of \$12,650, for installation of the fire protection portion of the new Fire Station at Orchard Manor.”

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 Pass Fire Protection, in the amount of Twelve Thousand Six Hundred Fifty Dollars (\$12,650), for installation of the fire protection portion of the new Fire Station at Orchard Manor.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 137-03, adopted unanimously

3. Your Committee on Finance has had under consideration Resolution No. 138-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 138-03 – “Authorizing the Mayor to enter into a contract with Dougherty Company, in the amount of \$102,800, for installation of the plumbing portion of new Fire Station at Orchard Manor.”

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 Dougherty Company, in the amount of One Hundred Two Thousand Eight Hundred Dollars (\$102,800), for installation of the plumbing portion of new Fire Station at Orchard Manor.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 138-03, adopted unanimously

4. Your Committee on Finance has had under consideration Resolution No.139-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 139-03 – “Authorizing the Mayor to enter into a contract with Rock Branch Mechanical, in the amount of \$46,800, for installation of the HVAC system for the new Fire Station at Orchard Manor.”

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 Rock Branch Mechanical, in the amount of Forty Six Thousand Eight Hundred Dollars (\$46,800), for installation of the HVAC system for the new Fire Station at Orchard Manor.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 139-03, adopted unanimously

5. Your Committee on Finance has had under consideration Resolution No. 140-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 140-03 – “Authorizing the Mayor to enter into a contract with Schoolfield Harvey Electric, in the amount of \$83,600, for construction of the electrical work for the new Fire Station at Orchard Manor.”

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 Schoolfield Harvey Electric, in the amount of Eighty-three Thousand Six Hundred Dollars (\$83,600), for construction of the electrical work for the new Fire Station at Orchard Manor.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 140-03, adopted unanimously

6. Your Committee on Finance has had under consideration Resolution No.141-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 141-03 – “Authorizing the Mayor to enter into a contract with ETI Construction, in the total amount of \$258,800, for a base bid of \$228,200, plus Option 1 for a 120 foot Retaining Wall in the amount of \$21,500, and Option 2 for a 325 Streamco Willows Unit in the amount of \$9,100, for the Elk River Park Project.”

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

That the Mayor is hereby authorized and directed to enter into a contract with ETI Construction, in the total amount of Two Hundred Fifty-eight Thousand Eight Hundred Dollars (\$258,800), for a base bid of \$228,200, plus Option 1 for a 120 foot Retaining Wall in the amount of \$21,500, and Option 2 for a 325 Streamco Willows Unit in the amount of \$9,100, for the Elk River Park Project.

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, 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 Resolution No. 141-03, adopted.

7. Your Committee on Finance has had under consideration Resolution No.145-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 145-03 – “Authorizing the Mayor to enter into a contract with Public Safety Institute, in the amount of \$17,500, for police training classes covering Robbery Investigation, Burglary Investigation, and Addressing Crime and Violence in America’s Schools; and a contract with the Institute of Police Technology and Management, in the amount of \$24,000, for police training classes covering Criminal Investigation Techniques, Crime Scene Workshop, and Homicide Investigations.”

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 Public Safety Institute, in the amount of Seventeen Thousand Five Hundred Dollars (\$17,500), for police training classes covering Robbery Investigation, Burglary Investigation, and Addressing Crime and Violence in America’s Schools; and a contract with the Institute of Police Technology and Management, in the amount of Twenty-four Thousand Dollars (\$24,000), for police training classes covering Criminal Investigation Techniques, Crime Scene Workshop, and Homicide Investigations.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 145-03, adopted unanimously.

8. Your Committee on Finance has had under consideration Resolution No.146-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 146-03 – “Authorizing the Mayor to enter into a contract with Brewer and Company, in the amount of \$6,950, to furnish and install a sprinkler system in the City Clerk’s Office.”

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 Brewer and Company, in the amount of Six Thousand Nine Hundred Fifty Dollars (\$6,950), to furnish and install a sprinkler system in the City Clerk’s Office.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 146-03, adopted unanimously.

9. Your Committee on Finance has had under consideration Resolution No.147-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 147-03 – “Authorizing the Mayor to sign Change Order No. 3 with American Electric Power for the Kanawha Boulevard Walkway Project, in the amount of \$37,203.67, for an increase in the thickness of the asphalt base to provide a smoother course in areas where the sidewalk has dipped. This change order increases the contract amount from \$1,677,866 to \$1,715,089.79.”

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 American Electric Power for the Kanawha Boulevard Walkway Project, in the amount of Thirty-seven Thousand Two Hundred Three dollars and Sixty-seven Cents (\$37,203.67), for an increase in the thickness of the asphalt base to provide a smoother course in areas where the sidewalk has dipped. This change order increases the contract amount from \$1,677,866 to \$1,715,089.79.

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, 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 Resolution No. 147-03, adopted.

10. Your Committee on Finance has had under consideration Resolution No.148-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 148-03 – “Authorizing the Mayor to sign Change Order No. 1 with Renaissance Builders, Inc., increasing the original contract amount of \$27,550 by an additional \$9,766 for the Child Enrichment Center Roof Replacement and Repair project. The change was due to the replacement of 5” gutters with 6” commercial gutters and downspouts. To prevent further leaking, crickets were constructed on the topside of the A/C units. To prevent deterioration, the fascia was covered with coated aluminum. This change order increases the contract amount from \$27,550 to \$37,316.”

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 Renaissance Builders, Inc., increasing the original contract amount of \$27,550 by an additional \$9,766 for the Child Enrichment Center Roof Replacement and Repair project. The change was due to the replacement of 5” gutters with 6” commercial gutters and downspouts. To prevent further leaking, crickets were constructed on the topside of the A/C units. To prevent deterioration, the fascia was covered with coated aluminum. This change order increases the contract amount from Twenty-seven Thousand Five Hundred Fifty-five Dollars (\$27,550) to Thirty-seven Thousand Three Hundred Sixteen Dollars (\$37,316).

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, 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 Resolution No. 148-03, adopted.

11. Your Committee on Finance has had under consideration Resolution No.149-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 149-03 – “Authorizing the Mayor to amend the contract with B.B.R. Drilling Company for the Daisy Drive and South Park court Retaining Wall project, in the amount of \$53,496, for the construction of an additional 53 lineal foot soldier pile retaining wall on Stone Road. This will increase the original contract amount of \$74,992 to \$128,488.”

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

That the Mayor is hereby authorized and directed to amend the contract with B.B.R. Drilling Company for the Daisy Drive and South Park court Retaining Wall project, in the amount of Fifty-three Thousand Four Hundred Ninety-six Dollars (\$53,496), for the construction of an additional 53 lineal foot soldier pile retaining wall on Stone Road. This will increase the original contract amount of \$74,992 to \$128,488.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 149-03, adopted unanimously.

12. Your Committee on Finance has had under consideration Resolution No.152-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 152-03 – “Authorizing the Mayor to enter into a one year agreement with Environmental Services International to supply lead hazards inspections/testing, risk assessment, and clearance technician services to the City of Charleston at the rates set forth in the attached proposal.”

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 one year agreement with Environmental Services International to supply lead hazards inspections/testing, risk assessment, and clearance technician services to the City of Charleston at the rates set forth in the attached proposal.

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, Knauff, Lane, James Lanham, Lopez, Kimberling, Loeb, Markham, McKnight, Molgaard, Morton, Nielsen, Petry, 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 Resolution No. 152-03, adopted.

13. Your Committee on Finance has had under consideration Resolution No.153-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 153-03 – “Authorizing the Finance Director to allocated funds in the amount of \$32,000 for acquisition and closing costs of one (1) lot no the West Side for construction of an ARC HOME project.”

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

That the Finance Director is hereby authorized and directed to allocated funds in the amount of Thirty-two Thousand Dollars (\$32,000) for acquisition and closing costs of one (1) lot no the West Side for construction of an ARC HOME project.

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, Knauff, Lane, James Lanham, Lopez, Kimberling, Loeb, Markham, McKnight, Molgaard, Morton, Nielsen, Petry, 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 Resolution No. 153-03, adopted.

14. Your Committee on Finance has had under consideration Resolution No.154-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 154-03 – “Authorizing the Mayor to sign two grant agreement with the West Virginia Governor’s Highway Safety Office for the continuation of the Police Department’s operation of the West Virginia Child Passenger Safety Program, in the amount of \$22,485, and for the continued operation of the Police Department’s Charleston-Kanawha Valley Safety Community Program, in the amount of \$22,395. These funds will be used for salaries and support of the programs.”

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 agreement with the West Virginia Governor’s Highway Safety Office for the continuation of the Police Department’s operation of the West Virginia Child Passenger Safety Program, in the amount of Twenty-two Thousand Four Hundred Eighty-five Dollars (\$22,485), and for the continued operation of the Police Department’s Charleston-Kanawha Valley Safety Community Program, in the amount of Twenty-two Thousand Three Hundred Ninety-five Dollars (\$22,395). These funds will be used for salaries and support of the programs.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 154-03, adopted unanimously.

15. Your Committee on Finance has had under consideration Resolution No.155-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 155-03 – “Authorizing the Mayor to consent to the assignment of the contract, dated April 1, 2001, between the City and Apex Demolition Co., Inc., in which Apex agreed to provide demolition services to the City at a rate of \$1.13/per sq. ft. for one (1) full year. Said contract will be assigned to Astech Corporation, Inc.”

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

That the Mayor is hereby authorized and directed to consent to the assignment of the contract, dated April 1, 2001, between the City and Apex Demolition Co., Inc., in which Apex agreed to provide demolition services to the City at a rate of \$1.13/per sq. ft. for one (1) full year. Said contract will be assigned to Astech Corporation, Inc.

The question being on the adoption of the Resolution a vote was taken. There being one dissent from Mary Jane Lopez, the Mayor declared Resolution No. 155-03, adopted.

16. Your Committee on Finance has had under consideration Resolution No.156-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 156-03 – “Authorizing the Finance Director to make revisions to the 2002-2003 General Fund budget as indicated on the attached list of account.”

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

That the Finance Director is hereby authorized and directed to make revisions to the 2002-2003 General Fund budget as indicated on the attached list of account; 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, 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 Resolution No. 156-03, adopted.

17. Your Committee on Finance has had under consideration Resolution No.157-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 157-03 – “Authorizing the Mayor to sign a Transportation Enhancement Grant with the West Virginia Department of Transportation, in an amount not to exceed \$1.5 million, for the construction of a walkway around the Union Building.”

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

That the Mayor is hereby authorized and directed to sign a Transportation Enhancement Grant with the West Virginia Department of Transportation, in an amount not to exceed One Million Five Hundred Thousand Dollars (\$1,500,000), for the construction of a walkway around the

Union Building.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 157-03, adopted unanimously.

18. Your Committee on Finance has had under consideration Resolution No.158-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 158-03 – “Fixing the compensation of election officials, for the Primary election on the 11<sup>th</sup> day of March 2003 and the General Election on the 20<sup>th</sup> day of May 2003.”

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

1. That each commissioner of election and each poll clerk be paid the sum of \$115.00 for his/her services as commissioners and clerks of the election, and an additional sum of \$50.00 for his/her attendance at an election school of instruction for election officials. That each commissioner of election designated to attend at the Kanawha County Voter’s Registration Office to receive election supplies from the City Clerk of the City of Charleston and deliver the returns of said election be paid an additional sum of \$25.00 for his/her services and \$00.36 cents/per mile. That each commissioner of the opposite party who travels with the commissioner returning the supplies be paid an additional sum of \$10.00 for his/her services.

2. That one Democrat and one Republican Ballot Commissioner be paid the sum of \$50.00 for his her/services as required by WV Code 3-3-5c, not to exceed one hundred and twenty-five dollars (\$125.00) per day, but in no case may the ballot commissioner receive allowance for more than ten days of work for any one primary or general election.

3. That one Democrat and one Republican Emergency Absentee Ballot Commissioner be paid the additional sum of \$25.00 and \$00.36 cents/per mile, for his/her services as required by WV Code 3-1-44, and not to exceed one hundred and twenty-five dollars (\$125.00) per day, for his or her services.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 158-03, adopted unanimously.

19. Your Committee on Finance has had under consideration a bid submitted by Greenbrier Nurseries, Inc., in the amount of \$5,628.06, for spring bedding plants to be planted by the Public Grounds Department as various locations throughout the City. To be charged to Account No. 001-567-00-000-3-341, Public Ground—Material and Supplies, and reports the same to council that the committee report be adopted.

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

20. Your Committee on Finance has had under consideration Bill No. 6958, and reports the same to Council with the recommendation that the committee report be adopted.

Bill No. 6958 - - A Bill and order determining the necessity for continuance of additional levies for the fiscal years beginning July 1, 2003, July 1, 2004, July 1, 2005, and July 1, 2006, for current general governmental expenses, and providing for submission to the voters within the City of Charleston of the question of a continuance of the additional levy at the primary election to be held on March 11, 2003.

Providing for the continuance of the levy rate, providing for publication of notice of the election to authorize the additional levy; providing for application of the primary election laws to such primary election, authorizing the City Clerk to furnish election officials with proper election supplies and make publication of this ordinance, delivery of this ordinance to the Ballot Commissioners and the printing of the ballots; providing the form of the official ballot; providing for the use of electronic voting devices; providing for the voting precincts and determining those entitled to vote; authorizing the City Clerk to prepare for Council's approval a list of persons to serve as Commissioner and Clerk; and providing for three members of Council of the City of Charleston to be appointed as a Select Committee to perform all necessary functions including, but not limited to, a canvass of the votes cast in the election.

WHEREAS, after full information and consideration thereof, the Council of the City of Charleston, West Virginia, is of the opinion and finds that the maximum levies for current expenses for the general fund purposes of said City authorized to be laid by the provisions of Section 14, Chapter 11, Article 8 of the Code of West Virginia, 1931, as amended, will not provide sufficient funds for the four fiscal years which begin, respectively, on the first day of July 2003, 2004, 2005, 2006, and 2007, to cover expenditures properly payable from said funds, including expenditures for the purpose hereinafter set out, and having ascertained that the amounts hereinafter shown, in excess of the amount raised by regular levies, will be needed by the said City of Charleston during each of said five fiscal years for the purpose as follows, and that such levies constitute a continuance of the additional levies heretofore provided for the years beginning respectively on the first day of July 2003, 2004, 2005, and 2006, and that an election should be held pursuant to the provisions of Section 16 and 17 of Article 8, Chapter 11 of the Code of West Virginia, 1931, as amended, therefore,

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

(1) The purpose for which additional funds are needed by said City for each of the five fiscal years beginning July 1, 2003, July 1, 2004, July 1, 2005, and July 1, 2006, are current, general governmental expenses.

(2) The amounts considered necessary for each of said purposes for each fiscal year

beginning on the date indicated are as follows:

**July 1, 2003**

For current, general governmental expenses .....	\$3,651,161
TOTAL EXPENDITURES .....	\$3,651,161
Allowance for delinquent taxes and shrinkage (7.75%) .....	\$ 306,737
TOTAL AMOUNT OF ADDITIONAL LEVY .....	\$3,957,898

**July 1, 2004**

For current, general governmental expenses .....	\$3,651,161
TOTAL EXPENDITURES .....	\$3,651,161
Allowance for delinquent taxes and shrinkage (7.75%) .....	\$ 306,737
TOTAL AMOUNT OF ADDITIONAL LEVY .....	\$3,957,898

**July 1, 2005**

For current, general governmental expenses .....	\$3,651,161
TOTAL EXPENDITURES .....	\$3,651,161
Allowance for delinquent taxes and shrinkage (7.75%) .....	\$ 306,737
TOTAL AMOUNT OF ADDITIONAL LEVY .....	\$3,957,898

**July 1, 2006**

For current, general governmental expenses .....	\$3,651,161
TOTAL EXPENDITURES .....	\$3,651,161
Allowance for delinquent taxes and shrinkage (7.75%) .....	\$ 306,737
TOTAL AMOUNT OF ADDITIONAL LEVY .....	\$3,957,898

(3) The total amount necessary to carry out the above purposes for each year, after making reasonable allowance for uncollected taxes and shrinkage as above set forth is \$3,651,161.

(4) The separate and aggregate assessed valuation in each class of taxable property within the said City of Charleston is as follows:

Class I .....	\$ 25,278,182
Class II .....	\$ 987,596,820
Class III .....	\$ -----

Class IV .....	\$1,467,028,420
Aggregate .....	\$2,479,903,422

(5a) The proposed additional rate of levy in cents per \$100 assessed valuation on each class of property within the said City of Charleston for the fiscal years beginning July 1, 2003, July 1, 2004, July 1, 2005, and July 1, 2006, is as follows:

Class I .....	\$ 5.03 cents/\$100
Class II .....	\$10.06 cents/\$100
Class IV .....	\$20.12 cents/\$100

(5b) Provided that in the event the separate and aggregate assessed evaluations of each class of taxable property within the City of Charleston increases during the term of the special levy, the levy rate may be adjusted so that the projected gross tax revenue will not exceed 95% of the previous years projected gross tax revenue. An increase in the aggregate assessed valuation of each class of taxable property due to new construction or improvements to existing real property, including beginning recovery of natural resources and newly acquired personal property shall not be included in calculating the new tax levy for the purposes of this section.

(6) The years which the additional levies shall apply if authorized by the votes, are the fiscal years beginning July 1, 2003, July 1, 2004, July 1, 2005, and July 1, 2006.

(7) The Council of the City of Charleston declares that it will not issue bonds under the provisions of Section 16, Article 8, Chapter 11, of the West Virginia Code of 1931, as amended, on approval of the voters of the proposed additional levy.

(8) The Council of the City of Charleston finds that additional levies were heretofore authorized by the voters of the City of Charleston and have been in effect for the fiscal years beginning July 1, 2000, July 1, 2001, and July 1, 2002, and that the additional levies proposed by this ordinance constitute as continuation of such additional levies for the fiscal years beginning July 1, 2003, July 1, 2004, July 1, 2005, and July 1, 2006.

(9) The question of such additional levies shall be submitted to the voters within the City of Charleston, West Virginia, at the primary election to be held in said City on the 11<sup>h</sup> day of March 2003.

(10) Notice of the election to authorize the additional levy shall be given by publication of this ordinance and order at least once each week for two successive weeks, both publications to occur within fourteen (14) consecutive days, next preceding the date of the election, in the Charleston Gazette and the Charleston Daily Mail, two newspapers of the general circulation but of different politics published in the City of Charleston, West Virginia.

(11) All provisions of the laws concerning primary elections shall apply so far as they are applicable to the holding of said election and the ascertainment of the results thereof except that the number of election officials necessary to properly conduct such election is hereby determined

to be three commissioners and two clerks. The City Clerk is hereby authorized and directed to acquire and furnish officials with proper election supplies including but not limited to, ballots, pollbooks and tally sheets, make publication of this ordinance and order and of the ballot, and to do any and all things necessary and proper attendant to said primary election , including but not limited to, the performance of primary election duties imposed by law upon Clerks of the Circuit Courts in relation to primary elections, and shall furnish and deliver a certified copy of this ordinance and order to the Ballot Commissioners of the County of Kanawha, who shall take the same and provide for the printing of ballots, in accordance with the provisions of law, as made and provided, and with the provisions of this ordinance and order.

(12) That portion of the ballot to be used in said election to authorize the additional levy shall be in the form substantially as follows:

“An Election to authorize the continuation of additional levies for the years beginning July 1, 2003, July 1, 2004, July 1, 2005, and July 1, 2006, for the purpose of providing additional funds annually during such years for current, general governmental expenses according to the order and ordinance of the Council of the City of Charleston passed and adopted at its meeting on the 6<sup>th</sup> day of January, 2003.”

“The additional levies shall be on Class I property 5.03 cents; and on Class II property 10.06 cents; and on Class IV property 20.12 cents; all per \$100 assessed valuation.”

“Provided that in the event the separate and aggregate assessed valuations of each class of taxable property within the City of Charleston increases during the term of the special levy, the levy rate may be adjusted so that the projected gross tax will not exceed 95% of the previous years projected gross tax revenue. An increase in the aggregate assessed valuation of each class of taxable property due to new construction or improvements to existing real property, including beginning recovery of natural resources, and newly acquired personal property shall not be included in calculating the new tax levy for purposes of this section.”

\_\_\_\_\_ FOR THE LEVIES

\_\_\_\_\_ AGAINST THE LEVIES

INSTRUCTION TO THE VOTER: Those favoring and wishing to vote for the proposed continuance of additional levies shall punch the hole before “FOR THE LEVIES”, those opposing and wish to vote against the proposed continuance of additional levies shall punch the hole before “AGAINST THE LEVIES.”

(13) Electronic voting devices shall be used in said special election. The City Clerk is hereby authorized and directed to arrange for the rental of a sufficient number of electronic devices to arrange for the rental of a sufficient number of electronic devices for each voting precinct from the County Commission of Kanawha County, West Virginia, and make sure other arrangements as are necessary incident to the use thereof.

(14) The voting precincts within the City of Charleston as now existing and as

established

by the County Commission of Kanawha County, West Virginia, shall be and the same are hereby designated as the voting precincts for such election and the registration of voters and the use of registration law of the State, and the City of Charleston hereby adopts the registration list of Kanawha County as to precincts and as to persons within the limits of the City of Charleston entitled to vote, as amended and corrected according to law as the official registration list of said City of Charleston to be used as such election on the said 11th day of March, and all persons who would be qualified to vote at the primary election, shall be qualified to vote for or against said additional levies as the said election.

(15) The City Clerk is authorized and directed to prepare for the Council's approval of a list of persons to serve as commissioners and clerks for the various precincts in the City of Charleston to hold and conduct the said election on

(16) The Select Committee of Council of the City of Charleston shall convene as a Board of Canvassers of said election at the Kanawha County Voters Registrar's Office in said City at 8 a.m. on the 14<sup>th</sup> day of March 2003, to canvass the returns of the election. The Council of the City of Charleston shall convene at its regular meeting to be held in the Council Chambers of the City Hall in said City at 7:00 p.m. on 17<sup>th</sup> day of March, to certify the returns of said election, as required by law.

The question being on the passage of the Bill 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 Bill No. 6958, passed.

21. Your Committee on Finance has had under consideration payment of an invoice from Jasper Engines, in the amount of \$6,784, for a replacement engine installed in the salt truck used by the Street Department. To be charged to Account No. 001-754-00-000-2-216, Equipment Maintenance—Maintenance & Repair/Equipment, and reports the same to council that the committee report be adopted.

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

## **REPORTS OF OFFICERS**

1. Report of the City of Charleston, Municipal Court Financial Statements; December 2002; Received and Filed.
2. City of Charleston Financial Statements for the Five-Month Period Ended November 30, 2002; Received and Filed.

## **NEW BILLS INTRODUCED**

Introduced by Councilwoman Sara Crickenberger on January 6, 2003:

**Bill No. 6956**, A Bill to establish a Metered Vehicular Parking zone for the exclusive use of the physically disabled on the southerly side of Washington Street E. from point 50 feet west of Brooks Street to a points 204 feet west of Brooks Street and from a point 254 feet west of Brooks Street to a point 408 feet west of Brooks Street to provide for the removal of vehicles illegally parked in these spaces, to incorporate the provisions of West Virginia State Code, Chapter 17C, Article 13, Section 6, 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**

## **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 7:35p.m., on motion of Councilman Loeb, Council adjourned until 7:00 p.m., Tuesday,  
January 21, 2003.

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Jay Goldman, Honorable Mayor

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James M. Reishman, City Clerk