

JOURNAL
OF THE
COUNCIL
CITY OF CHARLESTON
WEST VIRGINIA

JULY 21, 2003

THE COUNCIL MET IN CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE SECOND MEETING IN THE MONTH OF JULY ON THE 21ST 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 JIM HARRIS, AND THE PLEDGE OF ALLEGIANCE WAS LEAD BY CHARLIE LOEB.

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

CHESTNUT		
DAVIS	FOSTER	HALL
HANNA	HARRIS	HARRISON
HIGGINS	JONES	LANE
LANHAM	LOEB	MORTON
MARKHAM	MILLER	MONROE
NIELSEN	REED	
ROBERTSON	SADD	TALKINGTON
WARE	WEINTRAUB	WHITE
MAYOR JONES		

TWENTY-FIVE 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.

JULY 21, 2003, SECOND MEETING

CHARLESTON CITY COUNCIL JOURNAL JULY 21, 2003

PUBLIC SPEAKERS

1. James Slamick 4200 Noyes Ave.; Speaking about Stop signs in Kanawha City.
2. Don Skaff 4301 Kanawha Ave.; Speaking about Stop signs in Kanawha City.
3. James Hunt 257 Garrison Ave.' Speaking about storm drains on Garrison Ave.
4. Nancy White 3823 Staunton Ave.; Speaking about Stop signs in Kanawha City
5. Candice Hawley 3901 Staunton Ave.; Speaking about Stop signs in Kanawha City.

CLAIMS

1. A claim of Rhonda Runion, 71 Garrison Ave., Charleston WV; alleges damage to property;
2. A claim of Diana L. Walls, 71 Garrison Ave., Charleston, WV; alleges damage to property;
3. A claim of Patricia Webb, 62 ½ Garrison Ave., Charleston, WV; alleges damage to property;
4. A claim of Kerri Haynes, 1105 Barton St., Charleston, WV; alleges damage to property;
5. A claim of Joann Watkins., 198 Merritt Rd., Chadbourn, N.C.; alleges damage to vehicle;
6. A claim of Richard and Crystal Webb, 445 Rockaway Rd., Charleston, WV; alleges damage to property;
7. A claim of Chuck Cunningham, 6 Atkinson Ct., Charleston, WV; alleges damage to property;
8. A claim of Gaylor Martin, 353 Rockaway Rd., Charleston, WV; alleges damage to property;
9. A claim of Richard Adams, 908 W. 2nd St., Charleston, WV; alleges damage to property;
10. A claim of Tonya Cotton, 118 Rosehill Acres., Scott Depot, WV; alleges damage to vehicle;
11. A claim of Salvation Army, 301 Tennessee Ave., Charleston, WV; alleges damage to property;
12. A claim of Chadd & Erica Hughart, 2206 Falcon Drive., Charleston, WV; alleges damage to property;
13. A claim of Joyce Ridenour, 1111 Wilkie Dr., Charleston, WV; alleges damage to property;
14. A claim of Larry Wolfe, 615 Jean St., Charleston, WV; alleges damage to property;
15. A claim of Timothy Williams, 1886 Sugar Creek Rd., Charleston, WV; alleges damage to

property;

16. A claim of Amy Gibson, 251 Garrison Ave., Charleston, WV; alleges damage to property;

17. A claim of Pine Grove Realty Co., 808 Greenbrier St., Charleston, WV; alleges damage to property;

18. A claim of Pine Grove Realty Co., 527 W. Washington St., Charleston, WV; alleges damage to property;

19. A claim of Donna Ivanhoff., 502 W. Washington St., Charleston, WV; alleges damage to property;

20. A claim of Betty-Joe Deneault., 502 W. Washington St., Charleston, WV; alleges damage to property;

21. A claim of Mary Pullen., 721 Castle Gate Rd., Charleston, WV; alleges damage to property;

22. A claim of Conzella Jones., 1103 Barton St., Charleston, WV; alleges damage to property;

23. A claim of Raymond J. Boyd., 217 Hayes Ave., Charleston, WV; alleges damage to property;

Refer to City Solicitor.

COMMUNICATIONS

The Clerk read the following Appointments:

TO: James Reishman, City Clerk
FROM: Danny Jones, Mayor
RE: Charleston Human Rights Commission
DATE: July 15, 2003

I am informing City Council that I have reappointed Mary Snow, 1454 4th Ave., Charleston, WV, 25302 to the Charleston Human Rights Commission, With said term to expire June 30, 2006.

I respectfully request Council's approval of this recommendation.

Council approved the appointment.

TO: James Reishman, City Clerk
FROM: Danny Jones, Mayor
RE: Charleston Human Rights Commission
DATE : July 15, 2003

I am informing City Council that I have appointed Kelly Charnock, 1522 Mt. Vernon., Charleston, WV, 25302 to the Charleston Human Rights Commission, with said term to expire June 30, 2006. Kelly Charnock is replacing Roger Mooney.

I respectfully request Council's approval of this recommendation.

Council approved the appointment.

TO: James Reishman, City Clerk
FROM: Danny Jones, Mayor
RE: Charleston Human Rights Commission
DATE: July 15, 2003

I am informing City Council that I have appointed Mary Williams, 1 Vest Place, Charleston, WV, 25314 to the Charleston Human Rights Commission, with said term to expire June 30, 2006. Marry Williams is replacing David Mohler.

I respectfully request Council's approval of this recommendation.

Council approved the appointment.

TO: James Reishman, City Clerk
FROM: Danny Jones, Mayor
RE: Charleston Human Rights Commission
DATE: July 15, 2003

I am informing City Council that I have reappointed Reverend Braxton Broady, 101 Florida Ave., Charleston, WV, 25314 to the Charleston Human Rights Commission, With said term to expire June 30, 2006.

I respectfully request Council's approval of this recommendation.

Council approved the appointment.

TO: James Reishman, City Clerk
FROM: Danny Jones, Mayor
RE: Charleston Building Commission
DATE: July 15, 2003

I am informing City Council that I have reappointed Olivia Singleton, 1561 Connell Road, Charleston, WV, 25314 to the Charleston Building Commission, with said term to expire July 20, 2008.

I respectfully request Council's approval of this recommendation.

Council approved the appointment.

TO: James Reishman, City Clerk
FROM: Danny Jones, Mayor
RE: Regional Development Authority
DATE: July 15, 2003

I am informing City Council that I have reappointed Mary Jean Davis, 1527 Dogwood Road, Charleston, WV, 25314 to the Charleston Building Commission, with said term to expire June 30, 2004.

I respectfully request Council's approval of this recommendation.

Council approved the appointment.

TO: James Reishman, City Clerk
FROM: Danny Jones, Mayor
RE: Kanawha Board of Health
DATE: July 15, 2003

I am informing City Council that I have reappointed Dr. Steven Artz, 1201 Washington St., Suite 108, Charleston, WV, 25311 to the Kanawha Board of Health, with said term to expire June 30, 2008.

I respectfully request Council's approval of this recommendation.

Council approved the appointment.

The Clerk will read the following Communication:

Honorable Danny Jones
and Members of City Council
Charleston, WV 25301

Dear Mayor Jones and Councilmember's:

On July 16, 2003, the Municipal Planning Commission held public hearings and its regular monthly meeting. The following case was heard by the Commission:

Special Permit #1116 – Application of Charleston Entertainment LLC requesting a Special Permit for a Restaurant/Bar serving alcoholic beverages in an Urban Renewal District accessory to the business located at 201 Capitol Street. The Planning Commission recommended approval.

This case should be referred to the Planning Committee of Council.

Sincerely,
Municipal Planning Commission

Phyllis White, Administrative Assistant

The mayor referred the Cases to the Planning Committee of Council.

MISCELLANEOUS RESOLUTIONS

NONE.

PLANNING

Councilwoman Mary Jean Davis, Chairman of the Council Committee on Planning, submitted the following reports.

1. Your Committee on Planning has had under consideration Bill #6978, attached hereto and made a part hereof,

Your Committee finds the following:

1. The subject property is currently zoned C-4 Neighborhood Commercial District with restriction. The proposed R-O Residential Office District zoning is considered “down zoning” because the R-O District is more restrictive than the C-4 District.
2. The proposed rezoning would not be considered spot zoning because the property is already zoned for commercial use. The proposed zoning would be more restrictive, therefore, more compatible with surrounding land uses.
3. The Comprehensive Plan recommends Medium Density Multi-Family Residential for this area. The proposed zoning classification would be more compatible with the Comprehensive Plan.
4. According to WV State Code #8-24-41, the rules and regulation in one or more districts of the same kind shall be uniform to each district. Therefore, applying special zoning restrictions to a property is inconsistent with WV State Code.

And reports the same to Council with the recommendation that the Bill do pass.

The question being on the passage of the Bill a roll call was taken and there yeas-25, nays-0, absent-3, as follows:

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

NAYS:

ABSENT: Clowser, Deitzler, Reishman.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the Bill No. 6978, passed.

2. Your Committee on Planning has had under consideration Special Permit #1110, attached hereto and made a part hereof,

Your Committee finds the following:

1. The Charleston Urban Renewal Authority does not object to the request.

2. Due to the commercial nature of the downtown commercial district, there should not be an adverse impact on the surrounding land uses.

3. The proposed use as a bar is consistent with other uses in the Central Business District.

and reports the same to Council with the recommendation that the Special Permit be approved.

The question being on the approval of the Special Permit a vote was taken. There being no dissent and the Mayor declared Special Permit #1110 approved.

STREETS AND TRAFFIC

Councilman David Higgins, Chairman of the Council Committee on Streets and Traffic, submitted the following reports.

1. Your Committee on Streets and Traffic has had under consideration Bill No. 6980, and reports the same to Council with the recommendation that the Bill do pass.

Bill No. 6980 – A Bill to establish a vehicular parking zone for the exclusive use of the physically disabled on the southerly side of Kanawha Ave. from a point 15 feet east of 20th Street to a point 81 feet east of 20th Street on Sunday from 10:00 a.m. to 8:00 p.m. and on Wednesday from 6:00 p.m. to 9:00 p.m. to provide for the removal of vehicles illegally parked in these spaces to incorporate the provisions of West Virginia Code, Chapter 17C, Article 12, Section 15, and amending the Traffic Control Map and Traffic Control File, established by the Code of the City of Charleston, West Virginia, one thousand nine hundred seventy-five, as amended, Traffic Law, Chapter thirty-one, Article three, to conform therewith.

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

Section 1. A vehicular parking zone for the exclusive use of the physically disabled on the southerly side of Kanawha Ave. from a point 15 feet east of 20th Street to a point 81 feet east of 20th Street on Sunday from 10:00 a.m. to 8:00 p.m. and on Wednesday from 6:00 p.m. to 9:00 p.m. is hereby established.

Section 2. In order for a physically disabled person to utilize the parking spaces provided in the preceding section the vehicle which they are driving or in which they are being transported must display the distinguishing insignia provided for in West Virginia Code, Chapter 17C, Article 13, Section 6.

Section 3. It shall be unlawful for any vehicle not displaying the insignia provided for in Section 2 to park in those spaces for the disabled provided for in Section 1. Any vehicle in violation of this section may be ticketed and impounded as provided in Chapter 31, Vehicle and Traffic Law, Code of the City of Charleston, West Virginia.

Section 4. The Traffic Control Map and Traffic Control File, established by the Code of the City of Charleston, West Virginia, one thousand nine hundred seventy-five, as amended, Traffic Law, Chapter thirty-one, Article three, shall be and hereby are, amended to conform to this Ordinance.

The question being on the passage of the Bill a roll call was taken and there yeas-25, nays-0, absent-3, as follows:

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

NAYS:

ABSENT: Clowser, Deitzler, Reishman.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the Bill No. 6980, passed.

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. 319-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 319-03 – “Authorizing suspension of admission fees at City pools for the remainder of the 2003 season.”

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

That suspension of admission fees at City pools for the remainder of the 2003 season is hereby approved.

The question being on the adoption of the Resolution a vote was taken. There being no dissent and the Mayor declared Resolution No. 319-03, adopted.

2. Your Committee on Finance has had under consideration Resolution No. 320-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No 320-03. – “Authorizing the Mayor to enter into an agreement with Bank of America, in the amount of approximately \$1,524,500, for a three-year lease rate of 1.75% and a five-year lease rate of 2.15% to provide for the purchase of police cars and various equipment for City departments.”

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 Bank of America, in the amount of approximately One Million Five Hundred Twenty-four Thousand Five Hundred Dollars (\$1,524,500), for a three-year lease rate of 1.75% and a five-year lease rate of 2.15% to provide for the purchase of police cars and various equipment for City departments.

The question being on the adoption of the Resolution a vote was taken. There being no dissent and the Mayor declared Resolution No. 320-03, adopted.

3. Your Committee on Finance has had under consideration Resolution No. 321-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 321-03 – “Authorizing the Mayor to sign a contractual agreement with the West Virginia Division of Criminal Justice Services (DCJS) to receive and administer grant funds in the amount of \$328,517 under the Drug and Violent Crime Control Program. The funds will be used to pay for salaries and related expenses for the MDENT Drug Unit.”

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

That the Mayor is hereby authorized and directed to sign a contractual agreement with the West Virginia Division of Criminal Justice Services (DCJS) to receive and administer grant funds in the amount of Three Hundred Twenty-eight Thousand Five Hundred Seventeen Dollars (\$328,517) under the Drug and Violent Crime Control Program. The funds will be used to pay for salaries and related expenses for the MDENT Drug Unit. This is a continuation of funding received by that agency over past fiscal years.

The question being on the adoption of the Resolution a vote was taken. There being no dissent and the Mayor declared Resolution No. 321-03, adopted.

4. Your Committee on Finance has had under consideration Resolution No. 322-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 322-03 – “Authorizing the Mayor to sign a contractual agreement with the West Virginia Divisions of Criminal Justice Services (DCJS) to receive and administer grant funds in the amount of \$29,693 under the Juvenile Accountability Incentive Block Grant (JAIBG) program. The funds will be used to provide training for police officers and other law enforcement officers to better prepare them in investigating and prosecuting serious crimes committed by juvenile offenders.”

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

That the Mayor is hereby authorized and directed to sign a contractual agreement with the West Virginia Divisions of Criminal Justice Services (DCJS) to receive and administer grant funds in the amount of Twenty-nine Thousand Six Hundred Ninety-three Dollars (\$29,693) under the Juvenile Accountability Incentive Block Grant (JAIBG) program. The funds will be used to provide training for police officers and other law enforcement officers to better prepare them in

investigating and prosecuting serious crimes committed by juvenile offenders.

The question being on the adoption of the Resolution a vote was taken. There being no dissent and the Mayor declared Resolution No. 322-03, adopted.

5. Your Committee on Finance has had under consideration Resolution No. 323-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 323-03 – “Authorizing the Mayor to sign an application for grant funds in the amount of \$63,436, and enter into a contractual agreement with the West Virginia Division of Criminal Justice Services, Law Enforcement Training Program, to received and administer the funds to provide for tuition and registration fees for approximately 550 police officers throughout the State of West Virginia to attend two (2), three-day “Street Survival” seminars.”

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

That the Mayor is hereby authorized and directed to sign an application for grant funds in the amount of Sixty-three Thousand Four Thirty-six Dollars (\$63,436), and enter into a contractual agreement with the West Virginia Division of Criminal Justice Services, Law Enforcement Training Program, to received and administer the funds to provide for tuition and registration fees for approximately 550 police officers throughout the State of West Virginia to attend two (2), three-day “Street Survival” seminars.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 323-03, adopted unanimously

6. Your Committee on Finance has had under consideration Resolution No. 324-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 324-03 – “Authorizing the Finance Director to make a refund to John Einreinhofer in the amount of \$11,983.63 for overpayment of B&O taxes paid in the first quarter of FY 1999.”

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

That the Finance Director is hereby to make a refund to John Einreinhofer in the amount of Eleven Thousand Nine Hundred Eighty-three Dollars and Sixty-three Cents (\$11,983.63) for overpayment of B&O taxes paid in the first quarter of FY 1999.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 324-03, adopted unanimously

7. Your Committee on Finance has had under consideration Resolution No. 325-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 325-03 – “Authorizing the Mayor to sign Change Order No. 1 with RC General Contractors, in the amount of \$27,740, relating to the contract for construction management services for the New Fire Station at Orchard Manor. The change order increases the project price from \$1,150,000 to \$1,177,740.”

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

That the Mayor is hereby authorized and directed to sign Change Order No. 1 with RC General Contractors, in the amount of Twenty Seven Thousand Seven Hundred Forty Dollars (\$27,740), relating to the contract for construction management services for the New Fire Station at Orchard Manor. The change order increases the project price from \$1,150,000 to \$1,177,740.

This will provide for the following changes to the contract:

Deduct for Landscaping and Seeding Allowance	(\$3,250)
Adjustment of Fee and General Conditions	18,150
Adjustment for Trade Contractor Change Orders	<u>12,840</u>
Total	\$27,740

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 325-03, adopted unanimously

8. Your Committee on Finance has had under consideration Resolution No. 326-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 326-03 – “Authorizing funds in an amount not to exceed \$7,000 to provide for American Electric Power to dispose of seven (7) transformers previously installed along Kanawha Boulevard Walkway Project and the old transformers have to be tested for polychlorinated biphenyl (PCB) content prior to disposal. The PCB content of each transformer will determine the cost for the disposal services.”

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

That funding in an amount not to exceed Seven Thousand Dollars (\$7,000) to provide for American Electric Power to dispose of seven (7) transformers previously installed along Kanawha Boulevard Walkway Project and the old transformers have to be tested for polychlorinated biphenyl (PCB) content prior to disposal. The PCB content of each transformer will determine the cost for the disposal services.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 326-03, adopted unanimously

9. Your Committee on Finance has had under consideration Resolution No. 327-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 327-03 – “Authorizing the Mayor to sign a request for project amendment and

scope/activity change for the YWCA's Senior Housing Budget Digest Grant No. 03LEDA0152. The original scope of work was for renovation of six to eight one-bedroom apartments to provide permanent housing for the elderly. A new location (509-513 Elizabeth Street) was found to be far more beneficial for development of the housing unit, as well as providing ample parking and green space. The YWCA is requesting that funds be used for acquisition of the Elizabeth Street property, which is more critically needed."

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

That the Mayor is hereby authorized and directed to sign a request for project amendment and scope/activity change for the YWCA's Senior Housing Budget Digest Grant No. 03LEDA0152. The original scope of work was for renovation of six to eight one-bedroom apartments to provide permanent housing for the elderly. A new location (509-513 Elizabeth Street) was found to be far more beneficial for development of the housing unit, as well as providing ample parking and green space. The YWCA is requesting that funds be used for acquisition of the Elizabeth Street property, which is more critically needed.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-24, nays-0, absent-3, abstain-1, as follows:

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

NAYS:

ABSENT: Clowser, Deitzler, Reishman.

ABSTAIN: Sadd.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 327-03, adopted.

10. Your Committee on Finance has had under consideration a bid submitted by Dill's Fire & Safety Equipment Co., in the amount of \$12,560, for purchase of Fire Hose Dryer to be installed in the New Fire Station at Orchard Manor. To be charged to Account No. 001-976-00-706-4-459, Fire-Capital Outlay, Equipment (\$9,000-Fire Hose; \$3,560- Fire Gear), 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.

11. Your Committee on Finance has had under consideration Bill No. 6985, as amended, and reports the same to Council with the recommendation that the Bill do pass, as amended.

Bill 6985 as amended – Authorizing the City of Charleston to accept an offer made to the City on June 2, 2003, of becoming the transferee of a charitable gift of a parcel of real property know as the "Sunrise Carriage Trail", (hereinafter "Trail") subject to approval of the form of deed of said property on behalf of the City of Charleston.

WHEREAS, the Trail is part of the Sunrise property on Myrtle Road;

WHEREAS, the deed transferring the Trail will provide that the property cannot be subdivided or built upon and must remain open to the public during daylight hours;

WHEREAS, the City will be responsible for the maintenance of the Trail and for keeping it open for the public;

WHEREAS, the City received written notice, dated June 2, 2003, from the Greater Kanawha Valley Foundation stating that as of May 31, 2003, the Ayre Fund, which was created for the benefit of the operation and maintenance of the Trail, had a balance of \$1,563,681.02. The Foundation further represented that it has made approximate annual distributions for the operation and maintenance of the Trail of approximately 5% of the balance of the fund;

WHEREAS, the President and CEO of the Foundation confirmed, subject to the approval of its Board of Trustees, that if the Trail is given to a qualified not for profit organization, which otherwise meets all of the terms and conditions set forth in the Ayre Trust, then the Foundation intends to make all annual distributions available to that new entity on the same basis as those funds are currently disbursed subject to the Foundation's Declaration of Trust;

WHEREAS, the legal description of the property is attached hereto as an exhibit.

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

That the Mayor is authorized and directed to accept the offer on behalf on City of Charleston made to the City on June 2, 2003, of becoming the transferee of a charitable gift of a parcel of real property known as the "Sunrise Carriage Trail" and to accept a deed of said property with the conditions described above on behalf of the City of Charleston.

This ordinance is to 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-3, as follows:

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

NAYS:

ABSENT: Clowser, Deitzler, Reishman.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the Bill No. 6985, as amended, passed.

12. Your Committee on Finance has had under consideration a Payment of an invoice from General Truck Sales Corp., in the amount of \$15,808.81, for repairs made to the engine in Unit #102 used by the Street Department. To be charged to Account No. 001-754-00-000-2-216, Equipment Maintenance-Maintenance & Repair/Equipment (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.

13. Your Committee on Finance has had under consideration a Payment of an invoice from West Virginia Tractor Company, in the amount of \$4,933.13, for repairs made to the water pump in Unit #14 used by the Refuse Collection & Recycling Department. To be charged to Account No. 001-754-00-000-2-216, Equipment Maintenance- Maintenance & Repair/Equipment (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.

14. Your Committee on Finance has had under consideration a Payment of an invoice from Carrot-Top Industries, in the amount of \$3,666, for purchase of six (6) City flags to be displayed at various sites throughout the city. To be charged to Account No. 001-440-00-000-2-215, Building Maintenance-Maintenance & Repair, Building & Grounds (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.

15. Your Committee on Finance has had under consideration a Payment of an invoice from Zambelli Internationals, in the amount of \$20,000, for one display of fireworks for the city's 4th of July program. To be charged to Account No. 001-903-00-000-5-568, Festival –Other Contributions, and reports the same to Council with the recommendation that the committee be adopted.

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

16. Your Committee on Finance has had under consideration a Payment of an invoice from the West Virginia Municipal League, in the amount of \$9,615.78 for Membership Dues FY 2003-2004. To be charged to Account No. 001-412-00-000-2-222, City Manager-Dues and Subscriptions, and reports the same to Council with the recommendation that the committee be adopted.

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

17. Your Committee on Finance has had under consideration a Payment of an invoice from The U.S. Conference of Mayors, in the amount of \$3,968, for the City's 2004 Membership Dues. To be charged to Account No. 001-412-00-000-2-222, City Manager- Dues and Subscriptions, and reports the same to Council with the recommendation that the committee be adopted.

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

18. Your Committee on Finance has had under consideration a Payment of an invoice from Garcie R. Marker & Sons, Inc., in the amount of \$15,177.94, for equipment, labor and materials used for flood damage repairs on Garrison Avenue. To be charged Account No. 001-750-00-000-2-219, Street-Bldg. & Equip. Rents, 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.

19. Your Committee on Finance has had under consideration a Payment of two invoices from Rodney Loftis & Son, in the total amount of \$10,945, for services related to flood cleanup on Twilight Drive (\$7,290), and Garrison Avenue (\$3,655). To be charged to Account No. 001-750-00-000-2-219, Street-Bldg. & Equip. Rents.—Rental of Equipment for Flood Damage Repairs, 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.

20. Your Committee on Finance has had under consideration a Payment of an invoice from West Virginia Tractor Company, in the amount of \$5,000, for rental equipment for flood damage repairs from June 12 through June 24, 2003. To be charged to Account No. 001-750-00-000-2-219, Street-Bldg. & Equip. Rents, and reports the same to Council with the recommendation that the committee be adopted.

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

REPORTS OF OFFICERS

1. Report of the City of Charleston Payroll Variance Analysis; June 2003; Received and Filed.
2. City Treasurer's Report to City Council Month Ending June 2003; Received and Filed.

NEW BILLS INTRODUCED

Introduced by Councilwoman Brenda Robertson on July 21, 2003:

Bill No. 6987, A Bill to establish a 20 Mile Per hour speed limit on Morningside Drive 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 Robert Reishman on July 21, 2003

Bill No. 6988, A Bill to amend and revise Section 31-213 of the City Code of the City of Charleston to alter the closing time for building #6 located on Summers Street from 10:00p.m. to 4:00am, and to increase the fee from \$1.00 to \$2.00.

Refer to Finance Committee and Parking Facilities.

Introduced by Councilwoman Linda Nielsen on July 21, 2003:

Bill No. 6989, A Bill to establish a Yield Sign on Wynchwood Road and the intersection of Wilkie Drive and Wynchwood Road and amending the Traffic Control Map and Traffic Control File, established by the Code of the City of Charleston, West Virginia, one thousand nine hundred seventy-five, as amended, Traffic Law, Chapter thirty-one Article three, to conform therewith.

Refer to Council Committee on Streets and Traffic.

Introduced by Councilman David Higgins on July 21, 2003:

Bill No. 6990, A Bill to establish a Stop Sign on Spruce Road and the intersection of Spruce Road and Hazel Road and amending the Traffic Control Map and Traffic Control File, established by the Code of the City of Charleston, West Virginia, one thousand nine hundred seventy-five, as amended, Traffic Law, Chapter thirty-one Article three, to conform therewith.

Refer to Council Committee on Streets and Traffic.

Introduced by Councilman David Higgins on July 21, 2003:

Bill No. 6991, A Bill to establish a Stop Sign on Vest Place and the intersection of Oakmont Road and Vest Place and amending the Traffic Control Map and Traffic Control File, established by the Code of the City of Charleston, West Virginia, one thousand nine hundred seventy-five, as amended, Traffic Law, Chapter thirty-one Article three, to conform therewith.

Refer to Council Committee on Streets and Traffic.

Introduced by Councilman Marc Weintraub on July 21, 2003:

Bill No. 6992, A Bill to establish a No Parking Anytime Tow-Away zone on the northly side of Kanawha Boulevard from a point 805 feet east of Ruffner Ave to a point 860 feet east of Ruffner 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 Robert Reishman on July 21, 2003:

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.

Refer to Council Committee on Finance.

Introduced by Councilman Paul Monroe on July 21, 2003:

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.

Refer to Council Committee on Finance.

UNFINISHED OR MISCELLANEOUS BUSINESS

None.

ROLL CALL

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

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

ABSENT: Clowser, Deitzler, Reishman.

At 8:15 p.m., on motion of Councilman Loeb, Council adjourned until August 4, 2003, at 7:00 p.m.

Danny Jones, Honorable Mayor

James M. Reishman, City Clerk