

JOURNAL
OF THE
COUNCIL
CITY OF CHARLESTON
WEST VIRGINIA

JULY 7, 2003

THE COUNCIL MET IN CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE FIRST MEETING IN THE MONTH OF JULY ON THE 7TH 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 BOBBY REISHEMAN.

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

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

TWENTY-EIGHT 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 7, 2003, FIRST MEETING

CHARLESTON CITY COUNCIL JOURNAL JULY 7, 2003

PUBLIC SPEAKERS

1. None.

CLAIMS

1. A claim of Rita J. Booth, 1739 Sugar Creek Drive, Charleston, WV; alleges damage to property;
2. A claim of Women's Health Center of West Virginia, 510 Washington Street, Charleston, WV; alleges damage to property;
3. A claim of Nancy Glenn, 404 26th Street, Charleston, WV; alleges damage to property;
4. A claim of Donald Stewart, 908 Valley, Charleston, WV; alleges damage to property;
5. A claim of Lesia and John Parsons, 699 Pacific Street, Charleston, WV; alleges damage to property;
6. A claim of Brenda Cavendish, 943 Hazelwood Avenue, Charleston, WV; alleges damage to property;
7. A claim of Sylvia Coffman, 111 Garrison Avenue, Charleston, WV; alleges damage to property;
8. A claim of Quinn Communications, 619 Lee Street, West, Charleston, WV; alleges damage to property;
9. A claim of Kenneth W. Teets, 621 West Lee Street Charleston, WV; alleges damage to property;
10. A claim of Joan Coleman, 617 Lee Street, West, Charleston, WV; alleges damage to property;
11. A claim of Chris Demaria, 277 Dutch Road, Charleston, WV; alleges damage to property;
12. A claim of Brandy and Steven Vaughn, 609 Evergreen Street, Charleston, WV; alleges damage to property;
13. A claim of Charles and Regina Stephenson, 609 Evergreen Street, WV; alleges damage to property;
14. A claim of Ralph and Delores Johnson, 648 Wayside Drive, Charleston, WV; alleges damage to property;

- 15.** A claim of West End Trax, 504 Washington Street, West, Charleston, WV; alleges damage to property;
- 16.** A claim of Clarence Hatfield and Michael Sparks, 547 Pacific Street, Charleston, WV; alleges damage to property;
- 17.** A claim of Walter L. James Sr., 227 Garrison Avenue, Charleston, WV; alleges damage to property;
- 18.** A claim of Clarence D. Jarrett, 1631 Chandler Drive, Charleston, WV; alleges damage to property;
- 19.** A claim of Cindy Auxier and William Hayes, 231 Garrison Avenue, Charleston, WV; alleges damage to property;
- 20.** A claim of Mary and Paul Bennington, 858 Rock Quarry Lane, Charleston, WV; alleges damage to property;
- 21.** A claim of Chris Freeman, 1219 Ashwood Road, Charleston, WV; alleges damage to property;
- 22.** A claim of Biddie J. Hatcher, 1629 Sugar Creek Drive, Charleston, WV; alleges damage to property;
- 23.** A claim of Joe and Lisa Hermansdorfer, 242 Garrison Avenue, Charleston, WV; alleges damage to property;
- 24.** A claim of Twyla Harrison, 218 Garrison Avenue, Charleston, WV; alleges damage to property;
- 25.** A claim of Helen E. Scaggs, 261 Garrison Avenue, Charleston, WV; alleges damage to property;
- 26.** A claim of Kevin L. Peyatte, 911 Valley Road, Charleston, WV; alleges damage to property;
- 27.** A claim of Armour and Sharon Litton, 1701 Chandler Drive, Charleston, WV; alleges damage to property;
- 28.** A claim of Sandra Lavoie, 643 Jane Street, Charleston, WV; alleges damage to property;
- 29.** A claim of James and Tina Tomblin, 308 Garrison Avenue, Charleston, WV; alleges damage to property;
- 30.** A claim of Daphane D. Davis, 503 Main Street, Charleston, WV; alleges damage to property;
- 31.** A claim of Carolyn L. Strobel, 714 Perry Lane, Charleston, WV; alleges damage to property;
- 32.** A claim of Sandra R. Orletsley, 1222 Highland Road, Charleston, WV; alleges damage to property;
- 33.** A claim of Dorothea Hereford, 617 ½ A Maryland Avenue, Charleston, WV; alleges damage

to property;

34. A claim of Edward A. Kingery, 794 Gordon Drive, Charleston, WV; alleges damage to property;

35. A claim of Jonathan D. Baker, 411 Randolph Street, Charleston, WV; alleges damage to property;

36. A claim of Dorothy J. Roberts, 856 Greendale Drive, Charleston, WV; alleges damage to property;

37. A claim of Regina Burke, 553 Garrison Avenue, Charleston, WV; alleges damage to property;

38. A claim of Kim Edens, 510 Pacific Street, Charleston, WV; alleges damage to property;

39. A claim of Carol A. Fouty, 617 Maryland Avenue, Charleston, WV; alleges damage to property;

40. A claim of Elizabeth A. Young and Carol A. Fouty, 1111 Galway Circle, Charleston, WV; alleges damage to property;

41. A claim of Elizabeth A. Young and Carol A. Fouty, 1111 Galway Circle, Charleston, WV; alleges damage to property;

42. A claim of Elizabeth A. Young and Carol A. Fouty, 1111 Galway Circle, Charleston, WV; alleges damage to property;

43. A claim of David and Jamie Knox, 1112 Wilkie Drive, Charleston, WV; alleges damage to property;

44. A claim of Kim Burford, 533 Daugherty Street, Charleston, WV; alleges damage to property;

45. A claim of Kim Burford, 531 Daugherty, Charleston, WV; alleges damage to property;

46. A claim of Nancy A. Osborne, 255 Garrison Avenue, Charleston, WV; alleges damage to property;

47. A claim of Richard Lightner, 247 Garrison Avenue, Charleston, WV; alleges damage to property;

48. A claim of Terri Poindexter, 1040 Beech Avenue, Charleston, WV; alleges damage to property;

49. A claim of Sheree Schafer, 422 West Washington Street, Charleston, WV; alleges damage to property;

50. A claim of Della M. Horton, 338 Knollwood Drive, Charleston, WV; alleges damage to property;

51. A claim of Anthony D. Totten, 619 Randolph Street, Charleston, WV; alleges damage to

property;

52. A claim of Adam Humphreys, 617 ½ Maryland Avenue, Apt. B, Charleston, WV; alleges damage to property.

53. A claim of Gary F. Fridley, 1601 Chandler Drive, Charleston, WV; alleges damage to property;

54. A claim of Stephen and Cynthia Price, 617 Garrison Avenue, Charleston, WV; alleges damage to property;

55. A claim of John and Sharon Barth, 514 Garrison Avenue, Charleston, WV; alleges damage to property;

56. A claim of Oscar F. Henry Co., 613 Delaware Avenue, Charleston, WV; alleges damage to property;

57. A claim of Thomas J. Gillooy, 729 Gordon Drive, Charleston, WV; alleges damage to property;

58. A claim of Jamie Bumpus, 1501 Dorchester Road, Apt. 134, Charleston, WV; alleges damage to property;

59. A claim of Beth Cipoletti, 2019 Parkwood Road, Charleston, WV; alleges damage to property;

60. A claim of Mohammad Pakray, 1416 Ravinia Road, Apt. 2, Charleston, WV; alleges damage to property;

61. A claim of James E. Hunt, II, 257 Garrison Avenue, Charleston, WV; alleges damage to property;

62. A claim of Cynthia Skeen, 62 Garrison Avenue, Charleston, WV; alleges damage to property;

63. A claim of Wilbur L. Spradling, 174 Garrison Avenue, Charleston, WV; alleges damage to property;

64. A claim of Marlin and Shelia Moss, 1830 Sugar Creek Drive, Charleston, WV; alleges damage to property;

65. A claim of Arthur Moore, 512 Pacific Street, Charleston, WV; alleges damage to property;

66. A claim of John Burdette, II, 709 Christian Drive, Charleston, WV; alleges damage to property;

67. A claim of Charles Ferrell, 219 Garrison Avenue, Charleston, WV; alleges damage to property;

68. A claim of Charleston Arbors Apartments, 100 Washington Street, East, Charleston, WV; alleges damage to property;

69. A claim of Mervin Davis, 5002 Starling Drive, Apt. 4, Rand, WV; alleges damage to vehicle;
70. A claim of John & Helen Boggess, 1007 Valley Road, Charleston, WV; alleges damage to property;
71. A claim of R. Stephen Mullins, 251 Garrison Avenue, Charleston, WV; alleges damage to property;
72. A claim of Donald Cooney, 506 Westmoreland Rd., Charleston, WV; alleges damage to property;
73. A claim of Rheta Williams, 1502 Rockford Ct., Charleston, WV; alleges damage to property;
74. A claim of Cheryl Morris, 792 Gordon Dr., Charleston, WV; alleges damage to property;
75. A claim of Kenneth Sampson, 1421 6th Ave., Charleston, WV; alleges damage to property;
76. A claim of Loretta Nutter, 109 Garrison Ave., Charleston, WV; alleges damage to property;
77. A claim of Mary Wright, 734 Grace Ave., Charleston, WV; alleges damage to property;
78. A claim of Mary Stutler, 267 Garrison Ave., Charleston, WV; alleges damage to property;
79. A claim of Mary Wright, 734 Grace Ave., Charleston, WV; alleges damage to property;
80. A claim of John and Georgia Watts, 265 Garrison Ave., Charleston, WV; alleges damage to property;
81. A claim of Tammy S. Moore-Crouch, 611 Garrison Ave., Charleston, WV; alleges damage to property;
82. A claim of Angela Greenwalt, 4735 Pennsylvania Ave. #1., Charleston, WV; alleges damage to vehicle;
83. A claim of Terry Reed, P.O. Box 20515., Charleston, WV; alleges damage to vehicle;

PUBLIC HEARING

AFTER DULY BEING PUBLISHED AS REQUIRED, I NOW DECLARE THE FLOOR OPEN FOR A PUBLIC HEARING ON RESOLUTION NO. 315-03, A RESOLUITON AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH KANAWHA COUNTY SCHOOLS FOR LEASING OF THE FACILITY ADJOINING THE MARTIN LUTHER KING COMMUNITY CENTER, AT THE RATE OF \$1.00 PER YEAR, FOR THE PERIOD JULY 1, 2003 THROUGH JUNE 30, 2004 FOR OPERATION OF THE HEAD

START PROGRAM

THE CHAIR SEES NO ONE FROM THE PUBLIC.

THE CHAIR HEARS NO ONE FROM THE PUBLIC.

THE CHAIR DECLARES PUBLIC HEARING ON

RESOLUTION NO. 315-03, CLOSED.

COMMUNICATIONS

The Clerk read the following Appointments:

TO: James Reishman
City Clerk

FROM: Danny Jones
Mayor

RE: Police Civil Service Commission

DATE: June 17, 2003

I am recommending that George Henderson Jr., 433 Wertz Ave., Charleston, WV. 25311, be appointed to the Police Civil Service Commission, with said term to expire June 1, 2007.

I respectfully request City Council's approval of this recommendation.

Council approved the appointment.

TO: James Reishman
City Clerk

FROM: Danny Jones
Mayor

RE: Municipal Planning Commission

DATE: July 7, 2003

I am recommending that Aric Margolis, Associated Architects, 2 Players Club Drive, Charleston, WV. 25301, be appointed to the Municipal Planning Commission, with said term to expire July 1, 2006.

I respectfully request City Council's approval of this recommendation.

Council approved the appointment.

TO: James Reishman
City Clerk

FROM: Danny Jones
Mayor

RE: Municipal Planning Commission

DATE: July 7, 2003

I am recommending that Teresa Moore, 712 Park Avenue, Charleston, WV. 25302, be appointed to the Municipal Planning Commission, with said term to expire July 1, 2006.

I respectfully request City Council's approval of this recommendation.

Council approved the appointment.

TO: James Reishman
City Clerk

FROM: Danny Jones
Mayor

RE: Civic Center Board

DATE: July 7, 2003

I am recommending that Larry Pack, 7 Grosscup Rd., Charleston, WV. 25314 be appointed to the Civic Center Board, with a said term to expire June 22, 2007.

I respectfully request City Council's approval of this recommendation.

Council approved the appointment.

TO: James Reishman
City Clerk

FROM: Danny Jones
Mayor

RE: Civic Center Board

DATE: July 7, 2003

I am recommending that Andrew Payne, 1414 Loudon Heights Road, Charleston, WV, be appointed to the Civic Center Board, with a said term to expire June 22, 2007.

I respectfully request City Council's approval of this recommendation.

Council approved the appointment.

TO: James Reishman
City Clerk

FROM: Danny Jones
Mayor

RE: Civic Center Board

DATE: July 7, 2003

I am recommending that Jack Harrison, 1116 Shamrock Rd., Charleston, WV, 25314, be appointed to the Civic Center Board, with a said term to expire July 1, 2007.

I respectfully request City Council's approval of this recommendation.

Council approved the appointment.

TO: James Reishman
City Clerk

FROM: Danny Jones
Mayor

RE: Civic Center Board

DATE: July 7, 2003

I am recommending that Mike Clowser, 42 Quarry Ridge, Charleston, WV, 25304, be appointed to the Civic Center Board, with a said term to expire July 1, 2007.

I respectfully request City Council's approval of this recommendation.

Council approved the appointment.

MISCELLANEOUS RESOLUTIONS

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

Introduced on July 7, 2003

Introduced by:
J. Thomas Lane, President
Charles Loeb, Majority Leader
Linda Nielsen, Minority Leader

Resolution No. 318-03

Whereas, the events of September 11, 2001 were catastrophic and unparalleled in our history since Pearl Harbor; and

Whereas, greatness often comes from adversity and such is always the case with the United States of America; and

Whereas, it is fitting that in a time of war we celebrate this greatness on our Independence Day; and

Whereas, the City of Charleston was blessed with a fitting tribute to those responsible for our freedoms and strengths: the men and women of our Armed Forces, past and present, and their families; and

Whereas, Mingo County native and United States Air Force General Robert “Doc” Folksong, the highest ranking West Virginian in the nation’s Armed Services, provided insightful wisdom and the unprecedented appearances by a B-52 Stratofortres and the U.S. Air Force Ceremonial Brass band; and

Whereas, General Foglesong’s fellow Mingo County natives, West Virginia Supreme Court of Appeals Justice Elliott “Spike” Maynard and Charleston Daily Mail publisher Sam Hindman, led the private sector momentum to make this city’s Independence Day celebration the most successful one in decades; and

Whereas, the Kanawha County Commission agreed to work in a unique and timely partnership with the city on this community celebration so that a special free concert could be part of the program in honor of the many West Virginians who have served and sacrificed for the cause of freedom; and

Whereas, the Jack Whittaker Foundation and Governor’s Office completed the funding needed so that this year’s July 4 program and tribute attracted thousands of people to Haddad Riverfront Park and the City of Charleston; and

Whereas, the Charleston Daily Mail, Charleston Gazette and Sunday Gazette-Mail provided most effective publicity and news coverage about the event with promotional efforts supplemented by co-sponsors from WSAZ-TV and WQBE along with all local media outlets, producing a near record crowd for this event; and

Whereas, from the early moments of his new administration, Mayor Danny Jones worked with City Council, Mayor Jay Goldman, Randy Damron Productions and the other private and public sector partners to make this community celebration as special as it was; and

Whereas, hundreds of employees and managers of the City of Charleston had to work on a holiday so that their fellow citizens could enjoy a unique and tremendous experience on Independence Day, 2003,

Therefore be it resolved, the Charleston City Council hereby expresses its appreciation for all of the people who have served our great nation and members of this team who worked together in a relatively short period of time to produce a truly memorable event for our city, county, state and nation.

The question being on the adoption of the Resolution a vote was taken. There being no dissent and the Mayor declared Resolution No. 318-03, adopted.

FINANCE

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

Your Committee on Finance has had under consideration Resolution No. 301-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 301-03 – “Authorizing the Finance Director to make revisions to the 2003-2004 General Fund budget as indicated on the attached list of accounts.”

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

That the Finance Director is hereby authorized and directed to make revisions to the 2003-2004 General Fund budget as indicated on the attached list of accounts; and be it

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

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-27, nays-1, absent-0, as follows:

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

NAYS: Chestnut

ABSENT:

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 301-03, adopted.

2. Your Committee on Finance has had under consideration Resolution No. 302-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 302-03 – “Authorizing the Mayor to sign Change Order No. 2 with RC General Contractors, in the amount of \$45,922.96, for changes to the General Trades contract for the New Fire Station at Orchard Manor (see attached list). The change order increases the contract amount from \$221,787.41 to \$267,710.37.”

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 RC General Contractors, in the amount of Forty-five Thousand Nine Hundred Twenty-two Dollars and Ninety-six cents (\$45,922.96), for changes to the General Trades contract for the New Fire Station at Orchard Manor (see attached list). The change order increases the contract amount from \$221,787.41 to \$267,710.37.

The question being on the adoption of the Resolution a vote was taken. There being no dissent and the Mayor declared Resolution No. 302-03, adopted.

3. Your Committee on Finance has had under consideration Resolution No. 303-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 303-03 – “Authorizing the Mayor to sign Change Order No. 3 for a Joker Notification System (\$6,400); and Change Order No. 4 for installation of two (2) one-inch conduits and wire from building to gate and provide gate operator (\$7,064), for a total amount of \$13,464, for changes relating to the Electrical contract for the New Fire Station at Orchard Manor. These change orders increase the contract price from \$94,171 to \$107,635.”

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 for a Joker Notification System (\$6,400); and Change Order No. 4 for installation of two (2) one-inch conduits and wire from building to gate and provide gate operator (\$7,064), for a total amount of Thirteen Thousand Four Hundred Sixty-four Dollars (\$13,464), for changes relating to the Electrical contract for the New Fire Station at Orchard Manor. These change orders increase the contract price from \$94,171 to \$107,635.

The question being on the adoption of the Resolution a vote was taken. There being no dissent and the Mayor declared Resolution No. 303-03, adopted.

4. Your Committee on Finance has had under consideration Resolution No. 304-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 304-03 – “Authorizing the Mayor to sign a renewal agreement with Commercial Insurance Services, in the amount of \$121,476.74, for the City’s Excess Workers’ Compensation Insurance coverage for the period July 1, 2003 to June 30, 2004.”

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 agreement with Commercial Insurance Services, in the amount of One Hundred Twenty-one Thousand Four Hundred Seventy-six Dollars and Seventy-four Cents (\$121,476.74), for the City’s Excess Workers’ Compensation Insurance coverage for the period July 1, 2003 to June 30, 2004.

The question being on the adoption of the Resolution a vote was taken. There being no dissent and the Mayor declared Resolution No. 304-03, adopted.

5. Your Committee on Finance has had under consideration Resolution No. 305-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 305-03 – “Authorizing the Mayor to enter into a contract with Vanguard Plastics, Inc., in the total amount of \$243,808, for purchase of a one-year supply of black plastic refuse bags in the amount of \$184,490 (\$48.55/1000); and a one-year supply of clear yard waste bags, in the amount of \$59,318 (\$44.60/1000). The bags will be packaged in rolls and distributed to the citizens of Charleston for the one year period from September 2003 to August 2004.”

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 Vanguard Plastics, Inc., in the total amount of Two Hundred Forty-three Thousand Eight Hundred Eight Dollars (\$243,808), for purchase of a one-year supply of black plastic refuse bags in the amount of \$184,490 (\$48.55/1000); and a one-year supply of clear yard waste bags, in the amount of \$59,318 (\$44.60/1000). The bags will be packaged in rolls and distributed to the citizens of Charleston for the one year period from September 2003 to August 2004.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 305-03, adopted unanimously

6. Your Committee on Finance has had under consideration Resolution No. 306-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 306-03 – “Authorizing purchase of a Letter of Credit from Bank One, in the amount of \$17,2867.72, to be issued for the City’s Unsecured Workers’ Compensation Liability in the amount of \$3,965,096.”

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

That a Letter of Credit from Bank One, in the amount of Seventeen Thousand Two Hundred Eighty-six Dollars and Seventy-two Cents (\$17,2867.72), to be issued for the City’s Unsecured Workers’ Compensation Liability in the amount of \$3,965,096.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 306-03, adopted unanimously

7. Your Committee on Finance has had under consideration Resolution No. 307-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 307-03 – “Authorizing the Finance Director to make a refund to McDonalds, in the amount of \$45,732.49, representing overpayment of B&O taxes to the City.”

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

That the Finance Director is hereby authorized and directed to make a refund to McDonalds, in the amount of Forty-five Thousand Seven Hundred Thirty-two Dollars and Forty-nine Cents (\$45,732.49), representing overpayment of B&O taxes to the City.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 307-03, adopted unanimously

8. Your Committee on Finance has had under consideration Resolution No. 308-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 308-03 – “Authorizing the Mayor to sign a contract with B.B.R. Drilling Co., in the amount of \$62,603.74, to furnish all labor, materials and equipment necessary for construction of a retaining wall on Burlew Drive.”

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

That the Mayor is hereby authorized and directed to sign a contract with B.B.R. Drilling Co., in the amount of Sixty-two Thousand Six Hundred Three Dollars and Seventy-four Cents (\$62,603.74), to furnish all labor, materials and equipment necessary for construction of a retaining wall on Burlew Drive.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-28, nays-0, absent-0, as follows:

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

NAYS:

ABSENT:

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 308-03, adopted.

9. Your Committee on Finance has had under consideration Resolution No. 309-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 309-03 – “Authorizing the Mayor enter into a contract with McClanahan Construction Company, in the amount of \$715,469.74, for construction of sidewalk and curb, and installation of drains for the Kanawha Boulevard Walkway project from South Side Bridge to 35th Street in Kanawha City.”

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

That the Mayor is hereby authorized and directed enter into a contract with McClanahan Construction Company, in the amount of Seven Hundred Fifteen Thousand Four Hundred Sixty-nine Dollars and Seventy-four Cents (\$715,469.74), for construction of sidewalk and curb, and installation of drains for the Kanawha Boulevard Walkway project from South Side Bridge to 35th Street in Kanawha City.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 309-03, adopted unanimously

10. Your Committee on Finance has had under consideration Resolution No. 310-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 310-03 – “Authorizing the Mayor to sign Change Order No. 1 with Icon Construction, Inc. for a reduction of \$18,445 in the Steel contract for the Kanawha City Multi-Purpose Facility, which deletes the stairs and railings for the second level of the building. This change order reduces the overall cost of the contract from \$49,547 to \$31,102.”

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 Icon Construction, Inc. for a reduction of Eighteen Thousand Four Hundred Forty-five Dollars (\$18,445) in the Steel contract for the Kanawha City Multi-Purpose Facility, which deletes the stairs and railings for the second level of the building. This change order reduces the overall cost of the contract from \$49,547 to \$31,102.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 310-03, adopted unanimously

11. Your Committee on Finance has had under consideration Resolution No. 311-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 311-03 – “Authorizing the Mayor to sign Change Order No. 1 with Central Masonry, Inc., for a reduction of \$3,618 in the Masonry contract for the Kanawha City Multi-Purpose Facility, which deletes the masonry columns for the second level of the building. This change order reduces the overall cost of the contract from \$40,838 to \$37,220.”

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 Central Masonry, Inc., for a reduction of Three Thousand Six Hundred Eighteen Dollars (\$3,618) in the Masonry contract for the Kanawha City Multi-Purpose Facility, which deletes the masonry columns for the second level of the building. This change order reduces the overall cost of the contract from \$40,838 to \$37,220.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 311-03, adopted unanimously

12. Your Committee on Finance has had under consideration Resolution No. 312-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 312-03 – “Authorizing the Mayor to enter into a contract with Burgess & Niple, in the amount of \$14,354.06, for construction management services relating to the Scraggs Drive Bridge Replacement.”

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 Burgess & Niple, in the amount of Fourteen Thousand Three Hundred Fifty-four Dollars and Six Cents (\$14,354.06), for construction management services relating to the Scraggs Drive Bridge Replacement.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-28, nays-0, absent-0, as follows:

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

NAYS:

ABSENT:

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 312-03, adopted.

13. Your Committee on Finance has had under consideration Resolution No. 313-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 313-03 – “Authorizing the Mayor to sign a supplement to the contract with GAI Consultants for design and construction management services for the Twilight Drive/Barlow Drive Storm Sewer project, in the amount of \$40,442, for additional services rendered due to the collapse of the stone arch culvert under Twilight Drive and Barlow Drive. The supplement increases the cost of the contract for this project from \$58,616 to \$99,058.”

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

That the Mayor is hereby authorized and directed to sign a supplement to the contract with GAI Consultants for design and construction management services for the Twilight Drive/Barlow

Drive Storm Sewer project, in the amount of Forty Thousand Four Hundred Forty-two Dollars (\$40,442), for additional services rendered due to the collapse of the stone arch culvert under Twilight Drive and Barlow Drive. The supplement increases the cost of the contract for this project from \$58,616 to \$99,058.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-28, nays-0, absent-0, as follows:

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

NAYS:

ABSENT:

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 313-03, adopted.

14. Your Committee on Finance has had under consideration Resolution No. 314-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 314-03 – “Authorizing the settlement of a lawsuit against the City of Charleston] in which the city will make payment in the amount of \$17,000 to Guinevere and Philip Haddad, in exchange for a full release of all claims related to civil action number 02-C-220, which is pending in the Circuit Court of Kanawha County, and authorizing the Mayor to execute all agreements and documents related to said settlement.”

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

That the settlement is approved and authorized and that the Mayor is authorized to execute all agreements and documents related to the settlement of 02-C-220, in which the City of Charleston will pay \$17,000 to Guinevere and Philip Haddad, in exchange for a full release of all claims.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 314-03, adopted unanimously.
Abstain: Sadd.

15. Your Committee on Finance has had under consideration Resolution No. 315-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 315-03 – “Authorizing the Mayor to enter into a contract with Kanawha County Schools for leasing of the facility adjoining the Martin Luther King Community Center, 314 Donnally Street, at the rate of \$1.00 per year, for the period July 1, 2003, through June 30, 2004, from 6:30 a.m. to 6:00 p.m., Monday through Friday, for operation of the Head Start Program.”

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

That the Mayor is hereby authorized and directed to enter into a contract with Kanawha County Schools for leasing of the facility adjoining the Martin Luther King Community Center, 314 Donnally Street, at the rate of One Dollar (\$1.00) per year, for the period July 1, 2003, through June 30, 2004, from 6:30 a.m. to 6:00 p.m., Monday through Friday, for operation of the Head Start Program. The Head Start Program has operated at the Center since 1988.

The Clerk of the City of Charleston is hereby directed to publish as a Class I legal advertisement, a description of the property to be leased along with the time and place of the public hearing, on July 7, 2003, in Council Chambers, City Hall, at 7:00 pm, during a regular meeting of Council, on the lease and the general terms thereof, pursuant to West Virginia Code §8-12-18 (c).

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 315-03, adopted unanimously

16. Your Committee on Finance has had under consideration Resolution No. 316-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 316-03 – “Authorizing the Finance Director to amend the 2003 Community Development Block Grant budget 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 the 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 2003 Community Development Block Grant budget 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 the MOECD Citizen Participation Plan.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-28, nays-0, absent-0, as follows:

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

NAYS:

ABSENT:

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 316-03, adopted.

17. Your Committee on Finance has had under consideration Resolution No. 317-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 317-03 – “Authorizing the Finance Director to allocate funds in the amount of \$25,4000 for acquisition of one (1) HOME project in Kanawha City.”

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

That the Finance Director is hereby authorized and directed to allocate funds in the amount of Twenty-five Thousand Four Hundred Dollars (\$25,4000) for acquisition of one (1) HOME project in Kanawha City.

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

NAYS:

ABSENT:

ABSTAIN: Ware.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 317-03, adopted.

18. Your Committee on Finance has had under consideration Resolution No. 296-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 296-03 – “Amending Resolution No. 296-03, Contract with Sears Monument for Marble Replacement at Ruffner Park, by changing Account NO. 001-111-1, MOECD Account Receivable, to Account No. 035-399-00-0000, Miscellaneous Revenue.”

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

That amending Resolution No. 296-03, Contract with Sears Monument for Marble Replacement at Ruffner Park, by changing Account No. 001-111-1, MOECD Account Receivable, to Account No. 035-399-00-0000, Miscellaneous Revenue, is hereby approved. This resolution was previously approved by Council on June 16, 2003.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 296-03, adopted unanimously

19. Your Committee on Finance has had under consideration a proposal submitted by Dell, in the amount of \$7,718, for software and accessories for E-mail Client Access Licenses for Fire Department. To be charged to Account No. 001-706-00-000-2-221, Fire Department—Training (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.

20. Your Committee on Finance has had under consideration a Purchase of various sizes and classes of aggregate on an as needed basis at prices determined through competitive bidding from Martin Marietta Aggregates and Shamblin Stone, Inc. To be charged to Account No. 001-750-00-000-3-341, Street—Materials & Supplies, 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.

21. Your Committee on Finance has had under consideration a bid submitted by Arrow Concrete for purchase of Portland Cement Concrete to be used by the Street Department on an as needed basis at the prices quoted on the attached tabulation sheet. To be charged to Account No, 001-750-00-000-3-341, Street—Materials & Supplies, 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.
Abstain- Higgins

22. Your Committee on Finance has had under consideration a Purchase of Bituminous Concrete on an as needed basis from West Virginia Paving, Inc., at prices quoted on the attached tabulation sheet. To be charged to Account No, 001-750-00-000-3-341, Street—Materials & Supplies, 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.

23. Your Committee on Finance has had under consideration a bid submitted by Sherwin Williams, in the amount of \$17,582.40, for purchase of 1485 gallons of white traffic marking paint and 2475 gallons of yellow traffic marking paint to be used in the paint striper by the Street Department. To be charged to Account No, 001-750-00-000-3-341, Street—Materials & Supplies, 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.

24. Your Committee on Finance has had under consideration a Payment of an invoice for Visionair, in the amount of \$25,784.85, balance of original contract dated September 15, 1998, for Police Mobile Data Network and Records Management System. To be charged to the

following accounts; \$20,526.03 – 094-976-00-700-4-459, Police –LLEBG Grant 2001; \$5,258.82 – 094-976-00-700-4-459, Police LLEBG Grant 2002, 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.

25. Your Committee on Finance has had under consideration a Payment of an invoice for West Virginia Uniforms, in the amount of \$3,675, for purchase of seven (7) sets of body armor for the Charleston Police officers that graduated from the Police Academy in May 2003. To be charged to Account No. 001-700-00-000-3-345, Police Uniforms & 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.

26. Your Committee on Finance has had under consideration a Payment of an invoice from Electronic Services, in the amount of \$3,755, for purchase of five (5) Kenwood TK-790 Mobile Radios for installation in vehicles used by the Police Department’s Criminal Investigation Division. To be charged to Account No. 001-976-00-700-4-459, -Police CID Unit, 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.

27. Your Committee on Finance has had under consideration a Payment of an invoice from Casto & Harris, Inc., in the amount of \$15,313.60, for supplies used in the City’s General Election held on May 20, 2003. To be charged to Account No. 001-438-00-000-2-230, Election Costs— Contracted Services (2002-2003), and reports the same to Council with the recommendation that the committee be adopted.

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

28. Your Committee on Finance has had under consideration a Payment of an invoice for Mid-Valley Supply, in the amount of \$3,855.73, for training of City employees to install and operate the newly upgraded fuel system at the Equipment Maintenance Department. To be charged to Account No. 001-754-00-000-2-221, Equipment Maintenance—Training (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.

29. Your Committee on Finance has had under consideration a Payment of an invoice for LifeBridge, Inc., in the amount of \$7,713.87, for rent and salaries associated with the PAT Learn & Play Center. To be charged to account No. 009-002-00-011-0-999, CDBG—Public Services,). , and reports the same to Council with the recommendation that the committee be adopted.

The question being on the adoption of the Committee Report a roll call was taken and there 26, nays-0, absent-0, as follows:

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

NAYS:

ABSENT:

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

30. Your Committee on Finance has had under consideration a Payment of an invoice for Bowles, Rice, McDavid, Graff & Love, PLLC in the amount of \$10,000, for services associated with the Police Civil Service Promotional Examinations to evaluate individuals to serve as Corporals, Sergeants, Lieutenants and Captains in the Charleston Police Department. To be charged to Account No. 001-700-00-000-2-223, Police –Professional Services (2002-2003) and reports the same to Council with the recommendation that the committee be adopted.

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

Abstain- Lane, Loeb, Markham.

31. Your Committee on Finance has had under consideration a Payment of an invoice for Spilman, Thomas & Battle, in the amount of \$27,613.57, for professional services relating to acquisition of property for the new ballpark. To be charged to Account No. 001-417-00-000-2-223, Legal Department –Professional Services (2002-2003), and reports the same to Council with the recommendation that the committee be adopted.

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

Abstain- Davis, Sadd

32. Your Committee on Finance has had under consideration a Payment of two (2) invoices from George & Lorensen, in the total amount of \$18,255.44, representing the City's final payment for its share of the costs associated with professional services rendered for five (5) West Virginia cities in the City National Bank Municipal Business and Occupation Tax Dispute. To be charged to Account No. 001-417-00-000-2-223, Legal Department –Professional Services (2002-2003). , and reports the same to Council with the recommendation that the committee be adopted.

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

33. Your Committee on Finance has had under consideration a Payment of an invoice for Steptoe & Johnson, PLLC, in the amount of \$5,308.05, for professional services rendered in the case of the Lower —Lower Donnally Association v. Charleston Municipal Planning Commission. To be charged to Account No. 001-417-00-000-2-223, Legal Department –Professional Services (2002-2003), and reports the same to Council with the recommendation that the committee be adopted.

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

Abstain- Sadd, Weintraub

34. Your Committee on Finance has had under consideration a Payment of an invoice for Dinsmore & Shohl LLP, in the amount of \$4,617.50, for professional services rendered during the month of April 2003, for HIPAA Compliance Matters. To be charged to Account No. 001-417-00-000-2-223, Legal Department –Professional Services, and reports the same to Council with the recommendation that the committee be adopted.

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

35. Your Committee on Finance has had under consideration a Payment of an invoice for The Tinney Law Firm, in the amount of 44,274.65, for professional services rendered during May 2003, in the claim: Cagle v. City of Charleston and Kenneth Guthrie. To be charged to Account No. 001-417-00-000-2-223, Legal Department –Professional Services, and reports the same to Council with the recommendation that the committee be adopted.

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

REPORTS OF OFFICERS

1. Report of the City of Charleston, Municipal Court Financial Statements; June 2003.
Received and Filed.

NEW BILLS INTRODUCED

None.

UNFINISHED OR MISCELLANEOUS BUSINESS

None.

ROLL CALL

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

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

ABSENT:

At 8:05 p.m., on motion of Councilman Loeb, Council adjourned until July 21, 2003, at 7:00 p.m.

Danny Jones, Honorable Mayor

James M. Reishman, City Clerk