

JOURNAL
OF THE
COUNCIL
CITY OF CHARLESTON
WEST VIRGINIA

NOVEMBER 17, 2003

THE COUNCIL MET IN CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE SECOND MEETING IN THE MONTH OF NOVEMBER ON THE 17th 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 JACK HARRISON, AND THE PLEDGE OF ALLEGIANCE WAS LEAD BY JERRY WARE.

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
MILLER	MONROE	MARKHAM
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.

NOVEMBER 17, 2003, SECOND MEETING

CHARLESTON CITY COUNCIL JOURNAL NOVEMBER 17, 2003

PUBLIC SPEAKERS

1. Karen Winter, Charleston WV.
2. Mary Kay Plovanich, Charleston, WV.
3. Bill Carpenter, Charleston, WV.

CLAIMS

1. A claim of Johnny Jackson, 921 Ridgeway Rd., Charleston WV; alleges damage to vehicle;
Refer to City Solicitor.
2. A claim of Thomas Martin, 5487 Stonelick Rd., Kenna WV; alleges damage to vehicle.
Refer to City Solicitor.
3. A claim of Elizabeth Mahaney, 20 Brown St., Clendenin, WV; alleges damage to vehicle.
Refer to City Solicitor.
4. A claim of G. G. Hark Reader, 1506 Brentwood Rd. WV; alleges damage to vehicle.
Refer to City Solicitor.

COMMUNICATIONS

NONE.

MISCELLANEOUS RESOLUTIONS

Resolution No. 421-03

Introduced in Council
November 3, 2003

Introduced by
Tom Lane

Whereas, Charleston City Council formed the Wayfinding Commission on November 4, 2003, to create, oversee and review a sign system to direct residents and visitors to mayor public areas and places in the City and its environment; and

Whereas, the Commission was given authority to create, use and develop the following: geographic districts; designations and attractions: amenities such as banners; colors; logos; maps; maintenance; and licensing of design maps; and

Whereas, as outlined in Bill Number 6936, “ The Commission shall report to the City Council following the design of sign, the identification of geographic districts, and the assignment of district colors”; and

Whereas, the Commisison presented a proposed plan on October 6, 2003, consisting of defining eight districts, and their corresponding colors, including Downtown, East End, West Side, South Charleston, South Hills, Southridge, Kanawha City and Airport Hill; and

Whereas, each district will have destinations identified which are defined as magnets that bring visitors and tourists to the Charleston area, as well as identifying attractions which are sites that ad to or enhance the visitor experience; and

Whereas, attached is the graphic design depicting the greater Charleston area with the State Capitol, rivers and our beautiful Mountains; and

Whereas, the visual graphics capturing Charleston’s unique features was developed by volunteers Ms. Elizabeth Pellegrin, Mr. John Auge and Mr. Clayton Ray;

Now Therefore, the Charleston City Council approves and accepts the Wayfinding Commission’s unified sigh plan and the design proposal; and Charleston City Council hereby expresses its gratitude to Ms. Pellegrin and Messrs. Ague and Ray for the volunteer time and talent provided the City.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 421-03, adopted.

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 Special Permit #1122 attached hereto and made a part hereof,

Your Committee finds the following:

1. The location of the bar in close proximity to a residential neighborhood and the extended hours of operation.
2. The close proximity of families and children to problems associated with alcohol.
3. Opposition to the noise level and confrontation by the opposition reported in complaints. Issues of confrontation are not suitable for a residential neighborhood.
4. The increased traffic.

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

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

YEAS: Lanham,

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

ABSENT:

With a majority of members elected recorded thereon as voting in the negative the Mayor declared Special Permit No.1122, denied.

2. Your Committee on Planning has had under consideration Special Permit #1124 attached hereto and made a part hereof,

Your Committee finds the following:

1. The Special Permit would not alter the land use characteristics of the neighborhood, as it is a continuation of a similar use.
2. The land use in the vicinity consists primarily of apartment buildings and professional offices.
3. The subject property has maintained its residential character and is compatible with neighboring residential uses.
4. The East End Revitalization Plan encourages professional office use of the property on Kanawha Boulevard due to the fact that office uses provide greater economic returns on the property to offset the cost of renovations, rehabilitations, or additions to the architecturally significant structures on Kanawha Boulevard, East.

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 the Mayor declared Special Permit No.1124, approved.

3. The renaming of Kent Street was Tabled.

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. 7020, and reports the same to Council with the recommendation that the committee report be adopted.

Bill No. 7020, A Bill to establish a 4 Way Stop intersection at Ruffner Avenue and Jackson Street 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 **4 Way Stop** intersection at Ruffner Avenue and Jackson Street is hereby established.

Section 2. 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 mended, Traffic Law, Chapter thirty-one, Article three, shall be and hereby are amended, to conform to this Ordinance.

Section 3. All prior Ordinances, in consistent with this Ordinance are hereby repealed to the extent of said inconsistency.

The question being on the passage of the Bill a roll call was taken and there yeas-28, nays-0, absent-0, as follows:

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.

NAYS:

ABSENT:

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the Bill No. 7020, passed.

URBAN RENEWAL

Councilman Marc Weintraub, Chairman of the Council Committee on Urban Renewal, submitted the following reports.

1.Resolution No. 121-02, as amended, – “Declaring a need and authorizing Charleston Urban Renewal Authority to develop and implement a workable plan of action for elimination, prevention, or spread of deteriorated or deteriorating conditions, and for conservation and rehabilitation within a certain area of the Community, pursuant to the provisions of Chapter 16, Article 18 of the Code of West Virginia.”

WHEREAS, Chapter 16, Article 18, section 29 of the Code of West Virginia authorized the governing body of the community, or such public officer or public body as it may designate, to prepare a workable program, which may include an official plan of action, for the establishment and preservation of a well-planned community with well-organized residential neighborhoods of decent homes and suitable living environmental for adequate family life, for utilizing appropriate

private and public resources to eliminate and prevent the development of spread of deterioration, to encourage needed urban rehabilitation, to provide for the redevelopment of deteriorated areas, and for the undertaking of feasible activities to achieve the objectives of such a program;

WHEREAS, Chapter 16, Article 18, Section 25, of the Code of West Virginia specifically provides that urban renewal projects may include undertakings and activities for the elimination of deteriorated or deteriorating areas, or to otherwise prevent an area from becoming deteriorated;

WHEREAS, Chapter 16, Article 18, Section 27, of the Code of West Virginia eliminates the requirement of Chapter 16, Article 18, Section 4, of the Code of West Virginia, that an area must first be declared “blighted” before authorizing an urban renewal authority to exercise powers, function and duties permitted under said Article, and additionally amends and redefines the terms “slum” and “blighted” as used throughout the Article to also mean and include deteriorated or deteriorating areas for the purpose of urban renewal plans and projects;

WHEREAS, the area addressed by this resolution abuts the Boundaries of the Washington Street, East Urban Renewal Plan Area which was first declared slum of blighted on January 2, 1990;

WHEREAS, City Council is cognizant of certain factors that warrant a plan of action and exercise of the powers, function, and duties of the Urban Renewal Authority for the elimination, prevention, and spread of deteriorated or deteriorating conditions and to otherwise implement conservation and rehabilitation with respect to the area so designated herein;

WHEREAS, members of this Committee have held a number of informal meetings with residents and business owners in the affected area;

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

1. That the City Council hereby finds and declares that the requisite conditions exist to make it necessary; in the interest of the public health, safety, morals or welfare of the residents of that certain area of the Community shown in Exhibit 1A attached hereto, to designate and authorize the Charleston Urban Renewal Authority to develop a workable plan and project for implementing action as contemplated and authorized by Chapter 16, Article 18, of the Code of West Virginia for said Area as may be necessary for the elimination, prevention, or spread of deteriorated or deteriorating conditions within the Community of said Area and for the conservation and rehabilitation of the Community within said Area.

2. In the course of developing a workable plan the Charleston Urban Renewal Authority shall endeavor to involve as many residents and business owners of the Community shown in Exhibit 1A as possible by using the following methods to encourage participation:

- a. Use Public Service Announcements on radio and TV to announce planning events;

- b. Place prominent announcements in the East End Voice newsletter explaining the planning process and publicizing planning events;
- c. Announce planning events during services at faith based organizations located in the Community shown on Exhibit 1A then stay after services to discuss plans with members of faith based organizations;
- d. Attempt to engage operators of businesses where folks typically congregate (i.e. convenience stores, barber shops, bars) to assist in publicizing planning events;
- e. Contact the [landlord association] and enlist their assistance in having tenants participate in planning events;
- f. Contact and participate in meetings held by the East End Association and the East End Neighborhood Association.

3. Most of the planning events in the Community shown on Exhibit 1A or the abutting Washington Street Urban Renewal District.

4. Any urban renewal plan that proposes giving the Charleston Urban Renewal Authority the power of eminent domain over any residence that is occupied by the same individuals who are the owners as shown in the real estate records maintained by the Office of the Clerk of Kanawha County, West Virginia at the time the plan is adopted or amended.

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

NAYS: Sadd

ABSENT:

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 121-02, as amended, adopted.

2. Your Committee on Urban Renewal has had under consideration Bill No. 7019 attached hereto and made a part hereof, and reports the same to Council with the recommendation that Bill No. 7019 do pass.

Bill No. 7019 – A Bill approving the following modification of the Washington Street East Urban Renewal Plan for the City of Charleston, West Virginia: Designation of certain parcels as a Public Redevelopment Project.

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

1. City Council finds that:

a. The Charleston Urban Renewal Authority has recommended certain modification of the Washington Street East Urban Renewal Plan for the City of Charleston, West Virginia;

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

c. The Municipal Planning Commission of the City of Charleston has submitted to the Charleston Urban Renewal Authority its findings concerning the conformity of these proposed modification with the Comprehensive Plan for the City;

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

e. Section "F" of said Washington Street East Urban Renewal Plan which are set forth in the following sections of this ordinance are hereby found to be feasible and in compliance with the Comprehensive Plan for the City of Charleston.

2. The proposed modification of the Washington Street East Urban Renewal Plan which are set forth in the following sections of this ordinance are hereby found to be feasible and in compliance with the Comprehensive Plan for the City of Charleston,

3. Section C.4 Page 30 is hereby amended by adding the following Public Redevelopment Project:

Development of a Grocery Store Site

Tax Parcel Number 135, 137, 138, 139, 150, 151 and western half of 154 are to be acquired, structures thereon demolished and the property assembled for the development as a grocery store.

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

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

NAYS: Foster

ABSENT:

ABSTAIN: Sadd

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the Bill No. 7019, 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. 409-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 409-03 - “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 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-28, nays-0, absent-0, as follows:

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.

NAYS:

ABSENT:

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 409-03, adopted.

2. Your Committee on Finance has had under consideration Resolution No. 410-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 410-03 – “Authorizing the Mayor to sign a Lease Agreement with the Mayor’s Office of Economic and Community Development for 3,272 square feet of office space in Municipal Parking Building No. 1 located at 105 McFarland Street, at the rate of \$7.00 per square foot for a monthly cost of \$1,908.66. MOECD will occupy the areas on the corner of Virginia and McFarland streets.”

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

That the Mayor is hereby authorized and directed to sign a Lease Agreement with the Mayor’s Office of Economic and Community Development for 3,272 square feet of office space in Municipal Parking Building No. 1 located at 105 McFarland Street, at the rate of Seven Dollars (\$7.00) per square foot for a monthly cost of One Thousand Nine Hundred Eight Dollars and Sixty-six cents (\$1,908.66). MOECD will occupy the areas on the corner of Virginia and McFarland streets.”

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 410-03, adopted.

3. Your Committee on Finance has had under consideration Resolution No. 411-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 411-03 “Authorizing the Mayor to sign a Lease Agreement with the City Engineering Department for 3,187 square feet of office space in Municipal Parking Building No. 1 located at 105 McFarland Street, at the rate of \$7.00 per square foot for a monthly cost of \$1,859.08. The new office space is located at 105 McFarland Street with the Engineering Department occupying areas fronting on Dickinson and Virginia Street.”

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

That the Mayor is hereby authorized and directed to sign a Lease Agreement with the City Engineering Department for 3,187 square feet of office space in Municipal Parking Building No. 1 located at 105 McFarland Street, at the rate of Seven Dollars (\$7.00) per square foot for a monthly cost of One thousand Eight Hundred Fifty-nine Dollars and Eight Cents (\$1,859.08). The new office space is located at 105 McFarland Street with the Engineering Department occupying areas fronting on Dickinson and Virginia Street.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 411-03, adopted.

4. You Committee on Finance has had under consideration Resolution No. 413-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 413-03 – “Authorizing the Mayor to enter into a contract with Tony Baiano Construction Company, Inc., in the amount of \$575,600, for the 2003 Streetscape 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 Tony Baiano Construction Company, Inc., in the amount of Five Hundred Seventy-five Thousand Six Hundred Dollars (\$575,600), for the 2003 Streetscape Project.”

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

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

NAYS:

ABSENT:

ABSTAIN: Sadd

With a majority of members elected recorded thereon as voting in the affirmative the Mayor

declared Resolution No. 413-03, adopted.

5. Your Committee on Finance has had under consideration Resolution No. 414-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 414-03 – “Authorizing the Finance Director to amend the 2001 and 2003 CDBG Budgets. Citizen comments were received on resolution amendment 348-03, dated September 2, 2003

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

That the Finance Director is hereby authorized and directed to amend the 2001 and 2003 Community Development Block Grant Budgets. As indicated on the attached list of accounts.

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

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

NAYS:

ABSENT: Chestnut

ABSTAIN: Nielsen

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 414-03, adopted.

6. Your Committee on Finance has had under consideration Resolution No. 415-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 415-03 – Authorizing the Finance Director to amend the 2002 and the 2003 CDBG Budget. 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 2002 and 2003 Community Development Block Grant Budgets as indicated on the attached lists 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-27, nays-0, absent-1, as follows:

YEAS: 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.

NAYS:

ABSENT: Chestnut

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 415-03, adopted.

7. Your Committee on Finance has had under consideration Resolution No. 416-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 416-03 – “Authorizing the Mayor to sign a request for project amendment, scope/activity change for daymark Incorporated/Patchwork Governor’s Partnership Grant. The original scope of work was to retire mortgage on the New Connection Building, located at 1598 C Washington Street, East and replace the roof and windows at the Patchwork facility located at 1583 Lee Street.

Reason for proposed changes: Daymark’s Turning point facility located on Homewood Drive suffered flooding that destroyed the heating and cooling unit. They are requesting the Governor’s Community Partnership Grant funds to be used for the replacement of the heating and cooling unit, replacement of the hot water tank and line, and the cleaning and sanitizing of the facility.

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

That the Mayor is hereby authorized and directed to sign a request for project amendment, scope/activity change for daymark Incorporated/Patchwork Governor’s Partnership Grant. The original scope of work was to retire mortgage on the New Connection Building, located at 1598 C Washington Street, East and replace the roof and windows at the Patchwork facility located at 1583 Lee Street.

Reason for proposed changes: Daymark’s Turning point facility located on Homewood Drive suffered flooding that destroyed the heating and cooling unit. They are requesting the Governor’s Community Partnership Grant funds to be used for the replacement of the heating and cooling unit, replacement of the hot water tank and line, and the cleaning and sanitizing of the facility.

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

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

NAYS: Robertson, Davis.

ABSENT:

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 416-03, adopted.

8. Your Committee on Finance has had under consideration Resolution No. 417-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 417-03 – “Authorizing the Finance Director to allocate funds in the amount of \$27,200 for acquisition of one (1) HOME project in North Charleston.”

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

That the Finance Director is hereby authorized and directed to allocate funds in the amount of Twenty-seven Thousand Two Hundred Dollars (\$27,200) for acquisition of one (1) HOME project in North Charleston.

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, 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.

NAYS:

ABSENT:

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 417-03, adopted.

9. Your Committee on Finance has had under consideration Resolution No. 419-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 419-03 – “Authorizing the Finance Director to establish a new fund to be known as Fund 253- Ball Park Stadium Fund, to provide the basis for accountability of resources from appropriations, gifts, grants, or any other funds received for the expressed purpose of the construction of a New Ball Park Stadium. The monies may be invested with earnings retained by the fund.”

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

That the Finance Director is hereby authorized and directed to establish a new fund to be known as Fund 253- Ball Park Stadium Fund, to provide the basis for accountability of resources from appropriations, gifts, grants, or any other funds received for the expressed purpose of the construction of a New Ball Park Stadium. The monies may be invested with earnings retained by the fund.

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

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

NAYS: Markham.

ABSENT:

ABSTAIN: Sadd

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 419-03, adopted.

10. Your Committee on Finance has had under consideration Resolution No. 420-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 420-03 – “Granting authorization for the Homeland Security Director to enter into agreements with the West Virginia Office of Emergency Services for the 2004 Emergency Management Performance Grant (EMPG).”

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

That the authorization for the Homeland Security Director to enter into agreements with the West Virginia Office of Emergency Services for the 2004 Emergency Management Performance Grant (EMPG) is hereby approved.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 420-03, adopted.

11. Your Committee on Finance has had under consideration a bid submitted by Dohm Cycles, inc., in the amount of \$10,896.46, for purchase of an Off-Road Utility Vehicle, with snow blade and other accessories, to be used by the Public Grounds Division. To be charged to Account No. 001-975-00-567-4-459, Public Grounds- Capital Outlay, Equipment, 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.

12. Your Committee on Finance has had under consideration a proposal submitted by EDEN Systems, in the amount of \$62,988, for purchase of a cashiering module to be installed in the City Collectors office. To be charged to Account No. 001-975-00-439-4-459- Capital Outlay, Equipment, 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 Primedia Workplace Learning, in the amount of \$31,200, for presentation of street survival skills Seminar at Charleston Civic Center on October 27, 2003. To be charged to Account No. 095-164-03-000-0-214, Police Grant, 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 Daniels Law Firm, PLLC in the amount of \$8,938.30, for professional services rendered during October 2003, relating to New Ball Park. To be charged to Account No. 001-417-00-000-2-223,

Legal- 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; October, 2003. Received and Filed.
2. Report of the City of Charleston Payroll Variance Analysis; October 2003; Received and Filed.
3. City of Charleston Financial Statements for the four- month period ended; October 31, 2003. Received and Filed.

NEW BILLS INTRODUCED

Introduced by Councilwoman Ditty Markham, on November 17, 2003:

Bill No. 7021, A Bill to establish a 4 Way Stop intersection at 55th 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 Streets and Traffic Committee.

Introduced by Councilman John Miller, on November 17, 2003:

Bill No. 7021, A Bill to establish a 25 Mile Per Hour speed limit on Kanawha Avenue from 37th Street, to 57th Street 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 Streets and Traffic Committee.

Introduced by Councilwoman Teresa Reed, on November 17, 2003:

Bill No. 7023, a Bill Authorizing and directing the Mayor to convey, by quit claim deed, the City of Charleston's interest and rights to a parcel of property, known as the second half of Old White Oak Road, which was closed and abandoned by the City of Charleston on March 16, 1998.

Refer to Finance Committee.

Introduced by Councilman Bob White, on November 17, 2003:

Bill No. 7024- A Bill authorizing and directing the finance director to purchase property, and the Mayor of the City of Charleston to accept a deed, from Ronald W. Rowley and Linda C. Rowley for a parcel of real property located at 2061 Roxalana Road, Dunbar, and described more fully

below, for the purchase price of \$120,000.00.
Refer to Finance Committee.

Introduced by Councilman Bob White, on November 17, 2003:

Bill No. 7025- A Bill authorizing and directing the Mayor of the City of Charleston to accept a deed from the Charleston Housing Authority for a .07 acre parcel of property described more fully in the attached Bill, for consideration in the amount of \$1.00 and for the purpose of adding a driveway space to the Public Safety Center in Orchard Manor.

Refer to Finance Committee.

UNFINISHED OR MISCELLANEOUS BUSINESS

A presentation was given by Councilman Tom Lane on the Vision of Charleston and the creation of Task Forces.

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 8:50 p.m., on motion of Councilman Loeb, Council adjourned until December 1, 2003, at 7:00 p.m.

Danny Jones, Honorable Mayor

James M. Reishman, City Clerk