

JOURNAL
OF THE
COUNCIL
CITY OF CHARLESTON

WEST VIRGINIA

OCTOBER 6, 2003

THE COUNCIL MET IN CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE FIRST MEETING IN THE MONTH OF OCTOBER ON THE 6th 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 HARRY DEITZLER, AND THE PLEDGE OF ALLEGIANCE WAS LEAD BY JERRY WARE.

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

**CHESTNUT
DAVIS
HANNA**

**LANHAM
MILLER**

**WARE
MAYOR JONES**

**CLOUSER
FOSTER
HARRIS
JONES
LOEB
MONROE
REED
SADD
WEINTRAUB**

**DEITZLER
HALL
HARRISON
LANE
MORTON
MARKHAM
REISHMAN
TALKINGTON
WHITE**

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.

OCTOBER 6, 2003, FIRST MEETING

CHARLESTON CITY COUNCIL JOURNAL OCTOBER 6, 2003

PUBLIC SPEAKERS

1. NONE.

CLAIMS

1. A claim of Richard Holbert, 1506 Woodland Dr., Charleston WV; alleges damage to vehicle; Refer to City Solicitor.
2. A claim of Richard Martin, 114 McDavid Lane., Charleston WV; alleges damage to property; Refer to City Solicitor.
3. A claim of Audra Cooper, 137 Swarthmore Ave., Charleston WV; alleges damage to property; Refer to City Solicitor.

PUBLIC HEARING

The Mayor read the following Public Hearing...

After Duly Being Published as required, I now declare the floor open for a Public Hearing on Bill No. 6262, A bill amending chapter nineteen, article one, section 8.1 of the code of the City of Charleston, authorizing certain fees for Haddad Riverfront park and Magic Island park, to be administered by the director of Parks and Recreation and Public Grounds.

Is there anyone from the public who would like to speak.

The chair sees no one from the public.

The chair hears no one from the public.

The chair declares the Public Hearing on Bill No. 6262 closed.

COMMUNICATIONS

To: James Reishman, City Clerk
From: Kelly Ratanamalaya, Neighborhood Planner
Subject: Request for Council Introduction
Date: 9/19/03

The following Special Permits need to be referred to the Municipal Planning Commission.

Special Permit #1122
Application of Roger Talbert requesting a Special Permit for a Bar/nightclub serving alcoholic beverages in a C-6

Community Commercial District accessory to the business located at 1942 Sissonville Drive.

Special Permit #1124

Application if Cynthia Ranson requesting a Special Permit for a Professional Office in a R-10 High Density Multi-family residential District accessory to the property located at 1562 Kanawha Boulevard, East.

The Mayor referred the cases to the Municipal Planning Commission.

MISCELLANEOUS RESOLUTIONS

The Clerk read the following Resolution introduced by Councilman Bobby Reishman, Tom Lane and Charlie Loeb.

Resolution No. 386-03

Introduced in Council

October 6, 2003

Bobby Reishman, Tom Lane, Charles Loeb

WHEREAS: City government is the most responsive form of government having the closest relationship with citizens in assessing needs, addressing concerns, developing new projects for the city, and responding to constituents suggestions for making the city a better place to be; and

WHEREAS: Citizens have their most direct and democratic recourse with the elected leaders of their cities and have the best opportunity for holding those locally elected officials accountable for their decisions and activities; and

WHEREAS: Because city leaders are held most directly responsible for how their public policies affect the economic and employment conditions of their communities, leaders of West Virginia's municipal governments must be – and are – the most responsive and economically accountable of all levels of government; and

WHEREAS: The close accountability and inherent responsiveness of city government means that city councils and city leaders know better how to meet the needs of their citizens more directly and more effectively than leaders of the state or federal governments; and

WHEREAS: As leaders of the most responsible and responsible level of government, the City Council of Charleston needs the authority to exercise more control in conducting city business to take care of our citizens' needs more efficiently and to generate revenue for governance in the most responsible and accountable manner possible; and

WHEREAS: Citizens in the Charleston area have recently witnessed two direct consequences of the lack of home rule for municipal governments: first, through imposition of a new user fee because of the strict state-imposed limitations on all revenue generation in cities; and second, through policies inhibiting the city's discretion over how to manage employees in connection with the costly election day off policy of state government; and

WHEREAS: State law must be changed so that the City of Charleston and other municipal governments in West Virginia can have the self determination that our citizens deserve and that our cities need in trying to meet the needs of our communities in the most responsive and responsible way,

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

That the Mayor and City Council of the City of Charleston urge the West Virginia Legislature to enact legislation to allow the cities to exercise home rule within their city governments system; and

That this resolution be forwarded to the Governor of West Virginia, the Speaker of the West Virginia House of Delegates, the President of the West Virginia Senate, all West Virginia Legislators who represent any parts of the City of Charleston within the Legislature and the West Virginia Municipal League.

The question being on the adoption of the Resolution a vote was taken. There being no dissent and the Mayor declared Resolution No. 386-03, adopted.

PARKS AND RECREATION COMMITTEE

Councilman Jim Harris , Chairman of the Council Committee on Parks and Recreation, submitted the following reports.

Bill No. 6262

Introduced in Council

Adopted by Council

July 1, 1996

October 6, 2003

Introduced by

Referred to:

Dave Hardy

Parks and Recreation Committee

Bill No 6262 - A Bill amending Chapter Nineteen, Article One, Section 8.1 of the Code of the City of Charleston, West Virginia, one thousand nine hundred seventy-five, as amended, authorizing certain fees for Haddad Riverfront Park and Magic Island Park, to be administered by the Director of Parks and Recreation/Public Grounds.

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

That the Council of the City of Charleston does hereby amend Chapter Nineteen of the Code of the City of Charleston, West Virginia, one thousand nine hundred seventy-five, by adding the following to Sec. 19-8.1:

Sec. 19-8.1. Rental and fee schedule for use of recreational facilities.

- (j) Haddad Riverfront Park
 - Private Rental of Entire Park..... \$100.00 per hour*
(2 hr. minimum to maximum charge of \$800.00 for entire day. Rental time includes set-up and tear-down if renter requires exclusion of general public during this time).
 - Damage Deposit for Private Rental..... \$250.00 (refundable if no damage occurs. However, deposit if forfeited if rental is

canceled less than 20 day prior to rental date).

(k) Magic Island Park

Private Rental of Entire Park.....	\$100 per hour* (2 hr. minimum to maximum charge of \$800.00 for entire day. Rental time includes set-up and tear-down if renter requires exclusion of general public during this time).
Damage Deposit for Private Rental.....	\$250.00 (refundable if no damage occurs. However, deposit if forfeited if rental is canceled less than 20 day prior to rental date).
Reservation of Volleyball Courts.....	\$10.00 per reservation.

*Fee include normal, daily park maintenance. Should special set-up, clean-up, or other efforts be necessary, the rate will be \$20.00 per hour per employee. These fees will be negotiated as part of the reservation process, and will be fully disclosed to renters prior to completing rental agreement.

**Such arrangement pertains to all rental of each park, except for the purposes of commercial concert entertainment. In such cases, rental agreements shall be negotiated by the Parks and Recreation/Public Grounds Director, with such contract presented for City Council approval prior to confirmation.

For purposes of this section, events sponsored or co-sponsored by the City of Charleston are specifically **exempted** from payment of rental fees, damage deposits, or other charges listed in this amendment.

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

NAYS:

ABSENT: Higgins, Nielsen, Robertson,

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the Bill No. 6262, as amended, passed.

Bill No. 7003

Introduced in Council

Adopted by Council

September 2, 2003

October 6, 2003

Introduced by

Referred to:

Jim Harris

Finance Committee

Bill No 7003 - -Authorizing the Mayor on behalf of the City of Charleston to accept a deed from the West Virginia Department of Transportation, Division of Highways, for parcels of property in Daniel Boone Park, described herein below.

WHEREAS, said property will be used by the City for recreational purposes.

WHEREAS, the purchase price is \$1.00.

WHEREAS, said deed is attached as Exhibit 1.

Be it Ordained by the Council of the City of Charleston, West Virginia: That the Council for the City of Charleston hereby authorizes and directs the Mayor to accept a deed for property described below on behalf of the City of Charleston:

The property is described as follows:

BEGINNING at a point in the southern existing noncontrolled access right of way line of U.S. Route 60 said point being in the southern original right of way line of U.S. Route 60, and in the southern revised noncontrolled access right of way line of U.S. Route 60, 50 feet radially right of U.S. Route 60 centerline at Station 42+01, Project FA-221-D (1), Kanawha County, West Virginia;

thence, S 61° 00'E, (survey), with said revised right of way line 275.50 feet to a point 50 feet radially right of centerline at Station 44+77;

thence, S 04°30'W, (survey), with said revised right of way line 113 feet, to a point 152 feet radially right of centerline at Station 45+30;

thence, S 31°00' W, (survey), continuing with said revised right of way line 100 feet, more or less, to a point in the northern low water mark of the Kanawha River, said point being in the southern existing noncontrolled access right of way line and in the southern original right of way of U.S. Route 60 and 252 feet radially right of centerline at Station 45+27;

thence, N 59° 49'42"W, (survey), with the meanders of and down said low water mark and original right of way line 306 feet, more or less, to a point 242 feet radially right of centerline at Station 42+08;

thence, N 25° 00'E, (survey), with original right of way line 105 feet, more or less, to a point 142 feet radially right of centerline at Station 42+11;

thence, N 25° 30' E, (survey), with said original right of way line 92 feet, to the place of beginning and containing 60,204 square feet, (1.38 acres), more or less.

This ordinance is to become effective immediately upon passage.

Received and Filed.

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. 358-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 358-03 – “Authorizing the Finance Director to make revisions to the 2003-2004 General Fund budget as indicated on the attached list of accounts; creating a new pay grade, G-9, with an annual minimum salary of \$55,000 and an annual maximum salary of \$65,000; and reallocating existing G-9 job classification to new G-10 pay grade with an annual minimum salary of \$58,331.56 and an annual maximum salary of \$70,752.96.”

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; creating a new pay grade, G-9, with an annual minimum salary of \$55,000 and an annual maximum salary of \$65,000; and reallocating existing G-9 job classification to new G-10 pay grade with an annual minimum salary of \$58,331.56 and an annual maximum salary of \$70,752.96.

FURTHER RESOLVED, that the 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-23, nays-2, absent-3, as follows:

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

NAYS: Chestnut, Monroe.

ABSENT: Higgins, Nielsen, Robertson,

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 358-03, adopted.

2. Your Committee on Finance has had under consideration Resolution No. 359-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 359-03 – “Authorizing the Finance Director to make a refund to Bio-Medical Applications, in the amount of \$179,156.76, for overpayment of B&O taxes from April 2001 through March 2003.”

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 Bio-Medical Applications, in the amount of One Hundred Seventy-nine Thousand One Hundred Fifty-six Dollars and Seventy-six Cents (\$179,156.76), for overpayment of B&O taxes from April 2001 through March 2003.

The question being on the adoption of the Resolution a vote was taken. There being no dissent and the Mayor declared Resolution No. 359-03, adopted.

3. Your Committee on Finance has had under consideration Resolution No. 360-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 360-03 – “Authorizing the Mayor to sign Change Order No. 1 with McClanahan Construction Co., in the amount of \$57,000. The change order provides for repair of slip along Kanawha Boulevard and Kanawha River south of Veazy Street intersection. The change order increases the contract price from \$715,469.74 to \$772,469.74.”

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 McClanahan Construction Co., in the amount of Fifty-seven Thousand Dollars (\$57,000). The change order provides for repair of slip along Kanawha Boulevard and Kanawha River south of Veazy Street intersection. The change order increases the contract price from \$715,469.74 to \$772,469.74.

The question being on the adoption of the Resolution a vote was taken. There being no dissent and the Mayor declared Resolution No. 360-03, adopted.

4. Your Committee on Finance has had under consideration Resolution No. 361-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution 361-03 – “Authorizing the Finance Director to amend the 2000 and 2003 Community Development Block Grant budgets as indicated on the attached list of accounts. This is contingent upon no adverse citizen comments being received during the 30-day comment period required through 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 2000 and 2003 Community Development Block Grant budgets as indicated on the attached list of accounts. This is contingent upon no adverse citizen comments being received during the 30-day comment period required through the MOECD Citizen Participation Plan.

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

NAYS:

ABSENT: Higgins, Nielsen, Robertson.

ABSTAIN: Sadd.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 361-03, adopted.

5. Your Committee on Finance has had under consideration Resolution No. 362-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No.362-03 – “Authorizing Council approval for a contract between Mountaineer Habitat QK4, in the amount of \$21,600, providing for a drainage study for a proposed subdivision in North Charleston.”

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

That Council is hereby authorized and directed to approve a contract between Mountaineer Habitat QK4, in the amount of Twenty-one Thousand Six Hundred Dollars (\$21,600), to provide for a drainage study for a proposed subdivision in North Charleston.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-23, nays-0, absent-3, as follows:

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

NAYS:

ABSENT: Higgins, Nielsen, Robertson.

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

No. 362-03, adopted.

6. Your Committee on Finance has had under consideration Resolution No. 363-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 363-03 – “Authorizing the Mayor to enter into a contract with Strategic Utility Management, for gas monitoring and consultation services to govern the provision of gas services to various City departments, in the amount of \$400 per month, or \$4,800 per year, for a one year period.”

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 Strategic Utility Management, for gas monitoring and consultation services to govern the provision of gas services to various City departments, in the amount of Four Hundred Dollars (\$400) per month, or Four Thousand Eight Hundred Dollars (\$4,800) per year, for a one year period.

The question being on the adoption of the Resolution a vote was taken. There being no dissent and the Mayor declared Resolution No. 363-03, adopted.

7. Your Committee on Finance has had under consideration Resolution No. 364-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 364-03 – “Authorizing the Mayor to enter into a contract with Riley Natural Gas for delivery of natural gas to City sites at the rate of approximately \$6.35 per dth for a one year period from date supplier begins the flow of natural gas to the agreed upon locations.”

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 Riley Natural Gas for delivery of natural gas to City sites at the rate of approximately \$6.35 per dth for a one year period from date supplier begins the flow of natural gas to the agreed upon locations.

The question being on the adoption of the Resolution a vote was taken. There being no dissent and the Mayor declared Resolution No. 364-03, adopted.

8. Your Committee on Finance has had under consideration Resolution No. 365-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 365-03 – “Authorizing the Mayor to enter into a contract with Triad Engineering, Inc., for an estimated cost of \$7,750, for core drilling, soil sampling and analyses at Spring Hill Cemetery Park.”

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

That the Mayor is hereby authorized and directed to enter into a contract with Triad Engineering, Inc., for an estimated cost of Seven Thousand Seven Hundred Fifty Dollars (\$7,750), for core drilling, soil sampling and analyses at Spring Hill Cemetery Park.

The question being on the adoption of the Resolution a vote was taken. There being no dissent and the Mayor declared Resolution No. 365-03, adopted.

9. Your Committee on Finance has had under consideration Resolution No. 366-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 366-03 – “Authorizing the Mayor to enter into a contract with Sam’s Excavation, in an amount up to \$62,610, for flood damage repairs and reconstruction of areas in Spring Hill Cemetery Park.”

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

That the Mayor is hereby authorized and directed to enter into a contract with Sam’s Excavation, in an amount up to Sixty-two Thousand Six Hundred Ten Dollars (\$62,610), for flood damage repairs and reconstruction of areas in Spring Hill Cemetery Park.

The question being on the adoption of the Resolution a vote was taken. There being no dissent and the Mayor declared Resolution No. 366-03, adopted.

10. Your Committee on Finance has had under consideration Resolution No. 367-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 367-03 – “Authorizing the Mayor to enter into an Option to Purchase Real Estate Agreement with Morris Square Associates, LLC, for purchase of the Morris Square Property and the Kroger Building and Parking Lots for and in consideration of the sum of Ten Thousand Dollars (\$10,000), such purchase to be made for the construction of a Ball Park. The Agreement provides for the City of Charleston to purchase the Morris Square Property, consisting of approximately 6.39 acres, and the Kroger Building and Parking Lots, consisting of approximately 2.307 acres, for the sum of Six Million Dollars (\$6,000,000), with all costs payable at closing. The City must notify Seller of its election to purchase said properties on or before January 31, 2004. The new option agreement will supercede all pervious agreements between Seller and Purchaser with respect to the Property.”

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 Option to Purchase Real Estate Agreement with Morris Square Associates, LLC, for purchase of the Morris Square Property and the Kroger Building and Parking Lots for and in consideration of the sum of Ten Thousand Dollars (\$10,000), such purchase to be made for the construction of a Ball Park. The Agreement provides for the City of Charleston to purchase the Morris Square Property, consisting of approximately 6.39 acres, and the Kroger Building and Parking Lots, consisting of approximately 2.307 acres, for the sum of Six Million Dollars (\$6,000,000), with all costs payable at closing. The City must notify Seller of its election to purchase said properties on or before January 31, 2004. The new option agreement will supercede all pervious agreements between Seller and Purchaser with respect to the Property.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-20, nays-4, absent-3, abstain-1, as follows:

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

NAYS: Chestnut, Foster, Markham, White.

ABSENT: Higgins, Nielsen, Robertson.

ABSTAIN: Sadd.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 367-03, adopted.

11. Your Committee on Finance has had under consideration Resolution No. 368-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No.368-03 - “Authorizing the Mayor to enter into a contract with Iso Bunkers, LLC, for purchase for 89 Octane Gasoline at \$.9812 per gallon, and No. 2 Diesel Gasoline at \$.9631 per gallon to serve the City of Charleston’s vehicle fueling requirements for a nine month period from date of contract. This contract is being entered into through a bid received by Kanawha Valley Regional Transportation Authority (KRT) on behalf of the City and area municipalities in an effort to streamline gasoline prices.”

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 Iso Bunkers, LLC, for purchase for 89 Octane Gasoline at \$.9812 per gallon, and No. 2 Diesel Gasoline at \$.9631 per gallon to serve the City of Charleston's vehicle fueling requirements for a nine month period from date of contract. This contract is being entered into through a bid received by Kanawha Valley Regional Transportation Authority (KRT) on behalf of the City and area municipalities in an effort to streamline gasoline prices.

The question being on the adoption of the Resolution a vote was taken. There being no dissent and the Mayor declared Resolution No. 368-03, adopted.

12. Your Committee on Finance has had under consideration a bid submitted by Jefferds Corp., in the total amount of \$22,752, for a heavy duty, mobile lifting system (\$19,000); four (4) support stands with pads (\$2,952); one transmission Jack (\$5,200); and an oil recovery system (\$6000), to be used in the Equipment Maintenance Department. To be charged to Account No. 001-977-00-754-4-461, Equipment Maintenance- Capital Outlay, Lease/Purchase, 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 bid submitted by North American Salt Co., in the amount of \$39.55 per ton for purchase of approximately 7,500 tons of salt to be used by the Street Department for snow and ice removal. To be charged to Account NO. 001-7500-00-000-3-359, Street – Snow Removal Materials, 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 bid submitted by Baker Truck Equipment, in the total amount of \$14,504, for purchase of four snow plows (\$3,626 each) to be used by the Street Department. To be charged to Account No. 001-977-00-750-4-459, Street- 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.

15. Your Committee on Finance has had under consideration a bid submitted by Crede Tractor Sales & Service, in the amount of \$5,990, for purchase of an Ex-Mark Zero-Turn mower to be used by the Parks and Recreation Department. To be charged to Account No. 001-979-00-900-4-459, P&R- 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.

16. Your Committee on Finance has had under consideration a bid submitted by Middletown Tractor Sales for purchase of tractor (\$6,729), with grass collection system, mulching kit, power brush and snow/dozer blade (\$3,442), for a total of \$10,171, 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.

17. Your Committee on Finance has had under consideration a bid submitted by Vermeer of West Virginia, in the amount of \$9,290, for purchase of one stump cutter 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.

18. Your Committee on Finance has had under consideration a bid submitted by Greenbrier Nurseries, Inc., in the amount of \$4,573.95, for purchase of spring bedding plants to be planted in designated areas throughout the City. To be charged to Account No. 001-567-00-000-3-341, Public Grounds- Materials and 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.

19 Your Committee on Finance has had under consideration Bill No. 7003, and reports the same to Council that the committee report be adopted.

Bill No. 7003- -Authorizing the Mayor on behalf of the City of Charleston to accept a deed from the West Virginia Department of Transportation, Division of Highways, for parcels of property in Daniel Boone Park, described herein below.

WHEREAS, said property will be used by the City for recreational purposes.

WHEREAS, the purchase price is \$1.00.

WHEREAS, said deed is attached as Exhibit 1.

Be it Ordained by the Council of the City of Charleston, West Virginia: That the Council for the City of Charleston hereby authorizes and directs the Mayor to accept a deed for property described below on behalf of the City of Charleston:

The property is described as follows:

BEGINNING at a point in the southern existing noncontrolled access right of way line of U.S. Route 60 said point being in the southern original right of way line of U.S. Route 60, and in the southern revised noncontrolled access right of way line of U.S. Route 60, 50 feet radially right of U.S. Route 60 centerline at Station 42+01, Project FA-221-D (1), Kanawha County, West Virginia;

thence, S 61° 00'E, (survey), with said revised right of way line 275.50 feet to a point 50 feet radially right of centerline at Station 44+77;

thence, S 04°30'W, (survey), with said revised right of way line 113 feet, to a point 152 feet radially right of centerline at Station 45+30;

thence, S 31°00' W, (survey), continuing with said revised right of way line 100 feet, more or less, to a point in the northern low water mark of the Kanawha River, said point being in the southern existing noncontrolled access right of way line and in the southern original right of way of U.S. Route 60 and 252 feet radially right of centerline at Station 45+27;

thence, N 59° 49'42"W, (survey), with the meanders of and down said low water mark and original right of way line 306 feet, more or

less, to a point 242 feet radially right of centerline at Station 42+08;

thence, N 25° 00'E, (survey), with original right of way line 105 feet, more or less, to a point 142 feet radially right of centerline at Station 42+11;

thence, N 25° 30' E, (survey), with said original right of way line 92 feet, to the place of beginning and containing 60,204 square feet, (1.38 acres), more or less.

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

ABSENT: Higgins, Nielsen, Robertson,

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the Bill No. 7003, passed.

20. Your Committee on Finance has had under consideration a payment of an invoice from Astech Corporation, in the amount of \$6,156, for disposal asbestos materials at 801 Larchmont Drive. To be charged to Account No. 009-003-00-003-0-999, CDBG- Demolition/Clearance, 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 yeas-25, nays-0, absent-3, as follows:

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

NAYS:

ABSENT: Higgins, Nielsen, Robertson,

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

21. Your Committee on Finance has had under consideration a payment of Bowles, Rice, McDavid, Graff & Love, in the amount of \$4,300.81, for professional services rendered during the month of August 2003 relating to the Police Service Commission Promotion Process. 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 Payroll Variance Analysis; September 2003; Received and Filed.

2. City Treasurer's Report to City Council Month Ending August 2003; Received and Filed.

NEW BILLS INTRODUCED

Introduced by Councilman Bobby Reishman, on October 6, 2003:

Bill No. 7005, A Bill to require the monthly placement of funds in the Spring Hill Cemetery Park Combined Endowment Fund, Inc., for the general care and maintenance of the Spring Hill Cemetery Park.

Refer to Finance Committee.

Introduced by Councilman Bobby Reishman, on October 6, 2003:

Bill No. 7006, A Bill amending and reenacting the schedule of rates, established on May 19, 2003, in Bill No. 6972, for the Spring Hill Cemetery Park, to include a sales price of \$350.00 per cremation remains burial site and a fee of \$65.00 per steel vault installation.

Refer to Finance Committee.

Introduced by Councilwoman Betty Morton, on October 6, 2003:

Bill No. 7009, A Bill to establish a **20 Mile Per Hour** speed limit on Thompson 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 Betty Morton, on October 6, 2003:

Bill No. 7010, A Bill to establish a **20 Mile Per Hour** speed limit on Lewis Street from Ruffner Avenue to the easterly end of Lewis 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 Betty Morton, on October 6, 2003:

Bill No. 7011, A Bill to prohibit vehicular traffic from traveling in a westerly direction on Lewis Street between Thompson Street and the easterly end of Lewis 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 Ditty Markham, on October 6, 2003:

Bill No. 7012, a Bill to establish a **4 Way Stop** intersection at 53rd Street and Venable 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 Councilwoman Ditty Markham, on October 6, 2003:

Bill No. 7013, a Bill to establish a **4 Way Stop** intersection at 54th Street and Noyes 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 Councilwoman Cheryle Hall, on October 6, 2003:

Bill No. 7014, a Bill to establish a **20 Mile Per Hour** speed limit on Yorktowne 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 Streets and Traffic Committee.

Introduced by Councilwoman Cheryle Hall, on October 6, 2003:

Bill No. 7015, a Bill to establish a **20 Mile Per Hour** speed limit on Wellington Pointe 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, Cheryle Hall, on October 6, 2003:

Bill No. 7016, a Bill to establish a **20 Mile Per Hour** speed limit on Cambridge Pointe 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 Cheryle Hall, on October 6, 2003:

Bill No. 7017, a Bill to establish a **20 Mile Per Hour** speed limit on Buckingham Pointe 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.

UNFINISHED OR MISCELLANEOUS BUSINESS

Susie Salisbury and Elizabeth from the Charleston Renaissance conducted a 15 minute presentation on the Wayfinding Committee and their progress.

ROLL CALL

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

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

ABSENT: Higgins, Nielsen, Robertson.

At 8:15 p.m., on motion of Councilman Loeb, Council adjourned until October 21, 2003, at 7:00 p.m.

Danny Jones, Honorable Mayor

James M. Reishman, City Clerk