

JOURNAL
OF THE
COUNCIL
CITY OF CHARLESTON
WEST VIRGINIA

SEPTEMBER 2, 2003

THE COUNCIL MET IN CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE FIRST MEETING IN THE MONTH OF SEPTEMBER ON THE 2ND 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 PAUL MONROE.

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

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

TWENTY-FIVE MEMBERS BEING PRESENT, THE MAYOR DECLARED A QUORUM.

PENDING THE READING OF THE JOURNAL OF THE PREVIOUS MEETING, THE READING THEREOF WAS DISPENSED WITH AND THE SAME DULY APPROVED.

SEPTEMBER 2, 2003, FIRST MEETING

CHARLESTON CITY COUNCIL JOURNAL SEPTEMBER 2, 2003

PUBLIC SPEAKERS

1. James Straughter, 106 1/2 Michigan Ave.

CLAIMS

1. A claim of Sharon Thaxton, 561 Burlew Dr., Charleston WV; alleges damage to property; Refer to City Solicitor.
2. A claim of Sandra Fort, 601 Garrison Ave., Charleston, WV; alleges damage to property; Refer to City Solicitor.
3. A claim of Calesta Simmons, 406 Jordan St., Dunbar, WV; alleges personal injury; Refer to City Solicitor.
4. A claim of Harry Moore, 1114 E. Dupont Ave., Belle, WV; alleges damage to property; Refer to City Solicitor.
5. A claim of Arlen Bishop, 1127 Londonderry Rd., Charleston, WV; alleges damage to property; Refer to City Solicitor.
6. A claim of Melissa Carte, 1882 Sugarcreek Dr., Charleston, WV; alleges damage to property; Refer to City Solicitor.
7. A claim of Wanda Lynn Ruby, P.O. Box 56, Sod, WV; alleges damage to vehicle; Refer to City Solicitor.

COMMUNICATIONS

The Clerk read the following Appointments:

**TO: JAMES REISHMAN
CITY CLERK**

**FROM: DANNY JONES
MAYOR**

RE: MUNICIPAL BEUTIFCATION COMMISSION

DATE: AUGUGT 29, 2003

I am informing City Council that I have reappointed Robert Singleton, 1561 Connell Road, Charleston, WV 25314

to the Municipal Beautification Commission, with a said term to expire September 19, 2006.

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

DJ/ads

Council approved the appointment.

**TO: JAMES REISHMAN
CITY CLERK**

**FROM: DANNY JONES
MAYOR**

RE: MUNICIPAL BEUTIFCATION COMMISSION

DATE: AUGUGT 29, 2003

I am informing City Council that I have reappointed J. T. Moore, 1578 East Kanawha Blvd., Charleston, WV 25311 to the Municipal Beautification Commission, with a said term to expire September 19, 2006.

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

DJ/ads

Council approved the appointment.

**TO: JAMES REISHMAN
CITY CLERK**

**FROM: DANNY JONES
MAYOR**

RE: MUNICIPAL BEUTIFCATION COMMISSION

DATE: AUGUGT 29, 2003

I am informing City Council that I have reappointed Marlene Dial, 1211 Colonial Way, Charleston, WV 25314 to the Municipal Beautification Commission, with a said term to expire September 19, 2006.

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

DJ/ads

Council approved the appointment.

**TO: JAMES REISHMAN
CITY CLERK**

**FROM: DANNY JONES
MAYOR**

RE: MUNICIPAL BEUTIFCATION COMMISSION

DATE: AUGUGT 29, 2003

I am informing City Council that I have reappointed Troy Stallard, 16 Fox Chase Road, Charleston, WV 25304 to the Municipal Beautification Commission, with a said term to expire September 19, 2006.

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

DJ/ads

Council approved the appointment.

**TO: JAMES REISHMAN
CITY CLERK**

**FROM: DANNY JONES
MAYOR**

RE: CIVIL SERVICE COMMISSION

DATE: AUGUGT 29, 2003

I am informing City Council that I have reappointed Niall Paul, 300 East Kanawha Blvd., Charleston, WV 25321 to the Civil Service Commission, with a said term to expire September 9, 2006.

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

DJ/ads

Council approved the appointment.

**TO: JAMES REISHMAN
CITY CLERK**

**FROM: DANNY JONES
MAYOR**

RE: CIVIL SERVICE COMMISSION

DATE: AUGUST 29, 2003

I am informing City Council that I have reappointed Mary Jo Brick, 3706 Virginia Avenue East, Charleston, WV 25304 to the Civil Service Commission, with a said term to expire September 9, 2006.

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

DJ/ads

Council approved the appointment.

**TO: JAMES REISHMAN
CITY CLERK**

**FROM: DANNY JONES
MAYOR**

RE: HALLOWEEN DATE

DATE: AUGUST 29, 2003

I am recommending the night of October 30, 2003 for trick or treat for the City of Charleston from six to eight.

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

DJ/ads

Council approved the Halloween date.

MISCELLANEOUS RESOLUTIONS

The Clerk read the following Resolution introduced by Councilman Mark Sadd.

Introduced by

Mark Sadd and the

Members of Parks and Recreation Committee

RESOLUTION

SCHOENBAUM TENNIS COURTS

WHEREAS, Betty Schoenbaum and her late husband, Alex Schoenbaum, raised their family in Charleston, West Virginia, and built a business beginning with a bowling house on the city's West Side;

WHEREAS, the late Mr. Schoenbaum founded Shoney's, Inc., and under his leadership, the company grew and then grew some more, becoming one of the most stunning business successes in the history of West Virginia and of the eastern United States;

WHEREAS, the contributions of Mrs. Schoenbaum and the late Mr. Schoenbaum to West Virginia cannot by a long shot be measured solely by their accomplishments in business, for they demonstrated a robust commitment to philanthropy unmatched in recent memory;

WHEREAS, in recent years, Mrs. Schoenbaum has seemingly redoubled her philanthropic zeal with many and varied gifts to charitable, educational, civic and religious organizations and programs in West Virginia and elsewhere, giving from her family's resources with a spirit of determination and innovation that is at once inspiring and breath-taking;

WHEREAS, Mrs. Schoenbaum is an ardent supporter of international, national and local Jewish causes and is a director of the Sarasota-Manatee Jewish Federation, the Jewish Community Foundation and the American Jewish Committee and a long-time member and supporter of B'nai Jacob Synagogue in Charleston;

WHEREAS, Mrs. Schoenbaum — herself a former dancer — has given generously to promote the performing and visual arts in Charleston with sustaining contributions to the Charleston Light Opera Guild and the commission of works of public art;

WHEREAS, Mrs. Schoenbaum and her family have made key, substantial gifts to create or to support wonderful and important community assets and programs in Charleston, including, to name but a few, the Schoenbaum Family Resource Center, the University of Charleston library and other programs, and the Schoenbaum Funds of the Greater Kanawha Valley Foundation;

WHEREAS, Mrs. Schoenbaum and her late husband are among the most highly regarded and loyal alumni of The Ohio State University, where she is to this day rightly extolled for her tremendous and unwavering support to that

superb university;

WHEREAS, it is impossible to overstate the impact that Mrs. Schoenbaum, the late Mr. Schoenbaum and their family have made with their many and varied contributions to improve the quality of life and being in Charleston;

WHEREAS, nonetheless, Mrs. Schoenbaum and her late husband have demonstrated a particular devotion to athletic and recreation programs, with major contributions to The Ohio State University athletic department, the YMCA of Charleston, and the Schoenbaum Soccer Stadium, creating opportunities for sports and fitness for tens of thousands of people;

WHEREAS, and yet again, Mrs. Schoenbaum has led the way with a substantial donation to renovate and improve the tennis complex at the Watt Powell Annex in a manner that the City of Charleston alone could never have accomplished;

NOW, WHEREFORE, BE IT RESOLVED, that the tennis courts and adjoining facilities at the Watt Powell Annex in the City of Charleston, West Virginia, be and they shall be hereafter known as the "Schoenbaum Tennis Courts" in memory of the late Alex Schoenbaum and in honor of Betty Schoenbaum, whose beneficence largely made the renovations and construction there possible.

Adopted this 2nd day of September, 2003.

The question being on the adoption of the Resolution a vote was taken. There being no dissent and the Mayor declared Resolution No. 338-03, 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. 347-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 347-03 - "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-25, nays-0, absent-3, as follows:

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

NAYS:

ABSENT: Davis, Nielsen, White.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 347-03, adopted.

2. Your Committee on Finance has had under consideration Resolution No. 348-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 348-03 - "Authorizing the Finance Director to amend the 2001, 2002 and 2003 Community Development Block Grant budgets 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 amend the 2001, 2002 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-25, nays-0, absent-3, as follows:

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

NAYS:

ABSENT: Davis, Nielsen, White.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 348-03, adopted.

3. Your Committee on Finance has had under consideration Resolution No. 349-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 349-03 - "Authorizing the Mayor to enter into a contract with Teays River Construction Company, in the amount of \$245,853.95, for 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 Teays River Construction Company, in the amount of Two Hundred Forty-five Thousand Eight Hundred Fifty-three Dollars and Ninety-five Cents (\$245,853.95), for the Scraggs Drive Bridge Replacement.

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

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

NAYS:

ABSENT: Davis, Nielsen, White.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 349-03, adopted.

4. Your Committee on Finance has had under consideration Resolution No. 351-03, and reports the same to Council

with the recommendation that the committee report be adopted.

Resolution No. 351-03 - "Authorizing the Mayor to enter into an Agreement of License with the Business and Industrial Development Corporation of Kanawha Valley granting the City a license to occupy and use, subject to the terms and conditions in said Agreement, all of Lot No. 5 of the Southridge Business Park to be used by the City solely on a temporary basis as a sport related filed for the benefit of the citizens of Charleston and the surrounding area, for the sum of One Dollar (\$1.00)."

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

That the Mayor is hereby authorized and directed to enter into an Agreement of License with the Business and Industrial Development Corporation of Kanawha Valley granting the City a license to occupy and use, subject to the terms and conditions in said Agreement, all of Lot No. 5 of the Southridge Business Park to be used by the City solely on a temporary basis as a sport related filed for the benefit of the citizens of Charleston and the surrounding area, for the sum of One Dollar (\$1.00).

The question being on the adoption of the Resolution a vote was taken. There being no dissent and the Mayor declared Resolution No. 351-03, adopted.

5. Your Committee on Finance has had under consideration Resolution No. 352-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 352-03 - "Authorizing the Mayor to sign an application for a Hazard Mitigation Grant through the State Office of Emergency Services to purchase residential property located in flood prone areas for the purpose of demolishing the structures and restricting the use of said property to be only for purposes compatible with flood prone property."

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

That the Mayor is hereby authorized and directed to sign an application for a Hazard Mitigation Grant through the State Office of Emergency Services to purchase residential property located in flood prone areas for the purpose of demolishing the structures and restricting the use of said property to be only for purposes compatible with flood prone property.

The question being on the adoption of the Resolution a vote was taken. There being no dissent and the Mayor declared Resolution No. 352-03, adopted.

6. Your Committee on Finance has had under consideration Resolution No. 353-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 353-03 - "Authorizing the Mayor to sign an application for a Hazard Mitigation Grant through the State Office of Emergency Services for installation and repairs to the sanitary and storm lines for the area bounded by 21st Street, MacCorkle Avenue, Blackwell Field, and the Kanawha River."

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

That the Mayor is hereby authorized and directed to sign an application for a Hazard Mitigation Grant through the State Office of Emergency Services for installation and repairs to the sanitary and storm lines for the area bounded by 21st Street, MacCorkle Avenue, Blackwell Field, and the Kanawha River.

The question being on the adoption of the Resolution a vote was taken. There being no dissent and the Mayor declared Resolution No. 353-03, adopted.

7. Your Committee on Finance has had under consideration a proposal submitted by General Truck, in the total amount of \$130,196, for purchase of five (5) 2003 pickup trucks (\$110,8700) to be used by various City department; and one (1) 2003 GMC Savanna cargo van (\$19,326) to be used as a prisoner transport vehicle by the Charleston Police Department.

To be charged to the following accounts:

\$46,700, 001-978-00-800-4-461, Refuse Collection - Lease/Purchase

\$21,390 - 001-977-00-750-4-461, Street - Lease/Purchase

\$21,390 - 001-979-00-900-4-461, P&R- Lease/Purchase

\$21,390 - 001-980-00-952-4-461, Springhill Cemetery- Lease/Purchase

\$19,326 - 001-976-00-700-4-461, Police- 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.

8. Your Committee on Finance has had under consideration a proposal submitted by Visionair, Inc., in the amount of \$11,800.50, for purchase of five (5) software licenses for the Charleston Police Department Base Records Management and the following supplemental modules: Bar Coding, Citations, Parking Tickets, pawn, Traffic Accidents, and Wants and Warrants, including project management and installation fees. To be charged to Account No. 091-976-00-000-4-459, LLEBG--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.

9. Your Committee on Finance has had under consideration a proposal submitted by Visionair, Inc., in the amount of \$18,676, for purchase of the following additional software licenses for the Charleston Police Department Mobile Data System: 30 Mobile Incident Report Licenses; 36 Mobile Accident Report Licenses; and 36 Mobile Field Interview Report Licenses, including Project Management and Dial-In services. To be charged to Account No. 091-976-00-000-4-459, LLEBG--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.

10. Your Committee on Finance has had under consideration Bill No. 7001, and reports the same to Council that the committee report be adopted.

Bill No. 7001 - A Bill authorizing and directing the Mayor of the City of Charleston to purchase private property located in a flood prone area from Greenlee United Methodist Church, pursuant to a cooperative grant agreement between the City and the State Office of Emergency Services, dated May 12, 2000, for the purpose of demolishing structures located on the property and restricting the use of said property to be only for the purposes compatible with flood prone property.

WHEREAS, the City Council of the City of Charleston, West Virginia adopted Resolution No. 833-01 on September 4, 2001, wherein it authorized the Mayor to accept a Hazard Mitigation Grant in the amount of \$422,897.00, for the acquisition of six structures located in the flood prone area along Kanawha Two Mile Creek for the purposes of demolishing said structures on said properties;

WHEREAS, the City of Charleston, acting by and through its City Council, has entered into a cooperative grant agreement with the State dated May 12, 2000;

WHEREAS, the City of Charleston and Greenlee United Methodist Church have negotiated a purchase price of \$28,000.00 for this property more fully described as being in North Charleston Tax District Map 21 Parcel 124 B.

WHEREAS, said \$28,000.00 is available within the City budgets pursuant to grant monies received from the Hazard Mitigation Grant and the City would like to expend \$28,000.00 of such to purchase the property.

Be it Ordained by the Council of the City of Charleston, West Virginia: That the Mayor of the City of Charleston will purchase private property located in a flood prone area from Greenlee United Methodist Church, pursuant to a cooperative grant agreement between the City and the State Office of Emergency Services, dated May 12, 2000, for the purposes of demolishing structures located on the property and restricting the use of said property to be only for purposes compatible with flood prone property.

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

NAYS:

ABSENT: Davis, Nielsen, White.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the Bill No. 7001, passed.

11. Your Committee on Finance has had under consideration a payment of an invoice from Commercial Insurance Services, in the amount of \$5,488.34, for renewal of the liability coverage for storage tank pollution. To be charged to Account No. 001-412-00-000-2-227, City Manager Insurance, 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 payment of an invoice from West Virginia State Police, in the amount of \$63,500, for funds expended in support of the Pro-Arrest Grant for availability of Domestic Violence Petition information through the statewide Weapons System. To be charged to Account No. 095-178-97-005-0-341, Police-Pro-Arrest 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.

13. Your Committee on Finance has had under consideration a payment of an invoice from West Virginia State College/Springhill Apartment, in the amount of \$4,933.84, for the K-6 After School Program located in the Springhill Apartments complex. 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 yeas-25, nays-0, absent-3, as follows:

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

NAYS:

ABSENT: Davis, Nielsen, White.

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

REPORTS OF OFFICERS

1. Report of the City of Charleston Payroll Variance Analysis; July 2003;
Received and Filed.

NEW BILLS INTRODUCED

Introduced by Councilman Jim Harris on September 2, 2003:

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.
Refer to Finance Committee.

Introduced by Councilman Bobby Reishman on September 2, 2003:

Bill No. 7004, A Bill to amend and re-enact Section 2-96 of the City Code of Charleston, to include residency requirements for new hires of classified civil service employees to the City of Charleston.
Refer to Rules and Ordinance Committee.

UNFINISHED OR MISCELLANEOUS BUSINESS

Members from the School Board addressed council on the importance to pass the school levy.

ROLL CALL

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

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

At 8:50 p.m., on motion of Councilman Loeb, Council adjourned until September 15, 2003, at 7:00 p.m.

Danny Jones, Honorable Mayor

James M. Reishman, City Clerk