

***JOURNAL***  
**OF THE**  
***COUNCIL***  
**CITY OF CHARLESTON**

**WEST VIRGINIA**

**November 1, 2004**

**THE COUNCIL MET IN CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE FIRST MEETING IN THE MONTH OF NOVEMBER ON THE 1<sup>ST</sup> DAY, IN THE YEAR 2004, AND WAS CALLED TO ORDER BY THE HONORABLE MAYOR, DANNY JONES. THE INVOCATION WAS DELIVERED HARRY DEITZLER, AND THE PLEDGE OF ALLEGIANCE WAS LED BY PAUL MONROE.**

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

<b>CHESTNUT</b>	<b>CLOWSER</b>	<b>DEITZLER</b>
<b>DAVIS</b>	<b>EALY</b>	<b>HALL</b>
<b>HANNA</b>	<b>HARRIS</b>	<b>HARRISON</b>
<b>HIGGINS</b>	<b>JONES</b>	<b>LANE</b>
<b>LANHAM</b>	<b>LOEB</b>	<b>MORTON</b>
<b>MILLER</b>	<b>MONROE</b>	
<b>NIELSEN</b>	<b>REED</b>	<b>REISHMAN</b>
<b>ROBERTSON</b>	<b>SADD</b>	<b>TALKINGTON</b>
<b>WARE</b>	<b>WEINTRAUB</b>	<b>WHITE</b>
<b>MAYOR JONES</b>		

**TWENTY- SEVEN 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 1, 2004, FIRST MEETING**

**PUBLIC SPEAKERS**

1. NONE.

**CLAIMS**

1. A claim of Lois Gallagher, 4311 State Route 13, Milton, WV; alleges damage to vehicle; Refer to City Solicitor.
2. A claim of Gregory Cooper, 1325 Quarrier St., Charleston, WV; alleges damage to vehicle; Refer to City Solicitor.

**COMMUNICATIONS**

NONE.

**MISCELLANEOUS RESOLUTIONS**

NONE.

**REPORTS OF STANDING COMMITTEES**

***PLANNING***

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

1. Your Committee on Planning has had under consideration Bill No. 7096, and reports the same to Council with the recommendation that the bill do pass as amended, but first be referred to the Finance Committee.

A Bill abandoning, vacating, discontinuing and closing permanently a certain 15 foot wide public alley or way known as Buick Court, generally parallel to Court Street and extending from the northeasterly right-of-way line of Quarrier Street about 183.5 feet where it dead ends with the portion of Charleston Town Center Company, Limited Partnership, property formerly occupied by Best Products and authorizing conveyance to Charleston Urban Renewal Authority in part and to Charleston Town Center Company, Limited Partnership, in part all the right, title and interest of the City of Charleston in and to the land area occupied by such alley or way known as Buick Court so vacated.

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

1. That the Council of the City of Charleston, West Virginia, finds and determines that:

(a) Between the, Charleston Urban Renewal Authority, a public body corporate and politic created and existing under the laws of the State of West Virginia and the laws and ordinances of the City of Charleston, and Town Center Company, Limited Partnership, a West Virginia limited partnership, own title in fee simple to all the real estate abutting the entire length on both sides of that certain public alley or way known as Buick Court that is about 15 feet wide and generally parallel to Court Street and extends northeasterly about 183.5 feet to a portion of the property of Charleston Town Center Company, Limited Partnership, formerly leased by it to Best Products.

(b) No person owning any real estate will be deprived of ingress thereto or egress therefrom if such alley or way is vacated and closed by the City of Charleston.

2. That, because of and in conformity with the foregoing findings and determinations, said public street or way known as Buick Court described in paragraph 1(a) of this ordinance should be declared, and it hereby is, abandoned vacated, discontinued and closed permanently as a public alley and way effective upon the recordation in the office of the Clerk of the County Commission of Kanawha County, West Virginia, of the deed described in paragraph 3 of this ordinance, upon which date such alley or way known as Buick Court shall no longer be impressed with any public use.

3. That the Mayor of the City of Charleston, West Virginia, be, and he hereby is, authorized and directed to execute, acknowledge and deliver without charge to Charleston Urban Renewal Authority and Charleston Town Center Company, Limited Partnership, a deed conveying all the right, title and interest of the City of Charleston in and to the land area now occupied by said alley or way and known as Buick Court so vacated, the westerly half thereof to be conveyed to Charleston Urban Renewal Authority and the easterly half thereof to be conveyed to Charleston Town Center Company, Limited Partnership.

4. That all prior ordinances, or parts of ordinances inconsistent with this ordinance are expressly repealed.

5. Subject to the terms and conditions of the letter Agreement by and between the Charleston Sanitary Board and Forest City Commercial Management, Inc. dated September 27, 2004.

6. That if any of the provisions of this ordinance shall be held to be invalid or

unenforceable, such invalidity or unenforceability shall not affect other provisions of this ordinance, and to this end its provisions are declared to be severable.

The Mayor referred Bill No.7096 to the Finance Committee.

***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. 680-04, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 680-04 – “Authorizing the Mayor to sign a Contract for the Arts Grant with the West Virginia Department of Administration, Division of Culture and History, in the amount of \$34,147, to provide funds for additional renovation to the Civic Center Little Theater and will be used to improve the sound system and related topics. The grant is a 50/50 program with matching funds to come from the Civic Center Capital Improvement Account for total projects funds of \$68,294.”

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

That the Finance Director is hereby authorized and directed to sign a Contract for the Arts Grant with the West Virginia Department of Administration, Division of Culture and History, in the amount of Thirty-four Thousand One Hundred Forty-seven Dollars (\$34,147), to provide funds for additional renovation to the Civic Center Little Theater and will be used to improve the sound system and related topics. The grant is a 50/50 program with matching funds to come from the Civic Center Capital Improvement Account for total projects funds of Sixty-eight Thousand Two Hundred Ninety-four Dollars (\$68,294).

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 680-04, adopted.

2. Your Committee on Finance has had under consideration Resolution No. 681-04, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 681-04 – “ Authorizing the Mayor to sign Change Order No. 1 with Wiseman Construction Company, Inc., in the amount of \$11,125, for installation of an additional ten (10) 102’ diameter EPDM seals for the 51<sup>st</sup> Street Storm Sewer Internal Joint Sealing Project. The change order will increase the contract price form \$69,100 to \$80,225.”

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 Wiseman

Construction Company, Inc., in the amount of Eleven Thousand One Hundred Twenty-five Dollars (\$11,125), for installation of an additional ten (10) 102' diameter EPDM seals for the 51<sup>st</sup> Street Storm Sewer Internal Joint Sealing Project. The change order will increase the contract price from \$69,100 to \$80,225.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 681-04, adopted.

3. Your Committee on Finance has had under consideration Resolution No. 683-04, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 683-04– “ Authorizing the Mayor to sign and submit FY 2004 Governor’s Community Partnership Grant (GCPG) application, in the amount of \$25,000, and all related documents, for the West Side Ministries located in the City of Charleston.”

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

That the Mayor is hereby authorized and directed to sign and submit FY 2004 Governor’s Community Partnership Grant (GCPG) application, in the amount of Twenty-five Thousand Dollars (\$25,000), and all related documents, for the West Side Ministries located in the City of Charleston.

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

NAYS:

ABSENT: Markham

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 683-04, adopted.

4. Your Committee on Finance has had under consideration Resolution No. 684-04, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 684-04– “ Authorizing the Mayor to sign a grant request in the amount of \$200,000 to be applied to the 2005 Brownfields Community Wide Petroleum Substance Assessment Grant. This grant request will be submitted to the Development of Environmental Protection for the identification of possible hazardous substance sites.”

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

That the Mayor is hereby authorized and directed to sign a grant request in the amount of Two

Hundred Thousand Dollars (\$200,000) to be applied to the 2005 Brownfields Community Wide Petroleum Substance Assessment Grant. This grant request will be submitted to the Development of Environmental Protection for the identification of possible hazardous substance sites.

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

NAYS:

ABSENT: Markham

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 684-04, adopted.

5. Your Committee on Finance has had under consideration Resolution No. 685-04, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 685-04— “Authorizing the Mayor to sign a grant request in the amount of \$200,000 to be applied to the 2005 Brownfields Community Wide Hazardous Substance Assessment Grant. This grant request will be submitted to the Development of Environmental Protection for the identification of possible hazardous substance sites.”

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

That the Mayor is hereby authorized and directed to sign a grant request in the amount of Two Hundred Thousand Dollars (\$200,000) to be applied to the 2005 Brownfields Community Wide Hazardous Substance Assessment Grant. This grant request will be submitted to the Development of Environmental Protection for the identification of possible hazardous substance sites.

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

NAYS:

ABSENT: Markham

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 685-04, adopted.

6. Your Committee on Finance has had under consideration Resolution No. 686-04, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 686-04– “ Authorizing the Mayor to sign a revised Intent to Apply request with the West Virginia Department of Transportation, Division of Highways, relating to a 2005 TEA-21 Intent to Apply (Transportation Enhancement) grant to convert the CSX Trestle from Rail-Trail.”

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

That the Mayor is hereby authorized and directed to sign a revised Intent to Apply request with the West Virginia Department of Transportation, Division of Highways, relating to a 2005 TEA-21 Intent to Apply (Transportation Enhancement) grant to convert the CSX Trestle from Rail-Trail.

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

NAYS:

ABSENT: Markham

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 686-04, adopted.

7. Your Committee on Finance has had under consideration Resolution No. 687-04, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 687-04– “ Authorizing the Finance Director to allocate funds in the amount of \$20,770 for rehabilitation of two homes on the City’s West Side.”

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

That the Finance Director is hereby authorized and directed to allocate funds in the amount of Twenty Thousand Seven Hundred Seventy Dollars (\$20,770) for rehabilitation of two homes on the City’s West Side.

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

NAYS:

ABSENT: Markham

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 687-04, adopted.

8. Your Committee on Finance has had under consideration Resolution No. 688-04, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 688-04– “ Authorizing the Mayor to enter into a contract with Garcie R. Marker & Sons, in the amount of \$21,470, to provide all materials, equipment and labor necessary for Replacement of Sidewalks at REA of Hope facility located at 1429 Lee Street.”

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 Garcie R. Marker & Sons, in the amount of Twenty-one Thousand Four Hundred Seventy Dollars (\$21,470), to provide all materials, equipment and labor necessary for Replacement of Sidewalks at REA of Hope facility located at 1429 Lee Street.

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

NAYS:

ABSENT: Markham

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 688-04, adopted.

9. Your Committee on Finance has had under consideration Resolution No. 689-04, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 689-04 – “ Authorizing the Mayor to sign a Grant Application with The Greater Kanawha Valley Foundation, in the amount of \$19,000, to provide for improvements at Roosevelt Community Center.”

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

That the Mayor is hereby authorized and directed to sign a Grant Application with The Greater Kanawha Valley Foundation, in the amount of Nineteen Thousand Dollars (\$19,000), to provide for improvements at Roosevelt Community Center.

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

NAYS:

ABSENT: Markham

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 689-04, adopted.

10. Your Committee on Finance has had under consideration Resolution No. 690-04, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 690-04 – “Authorizing the Mayor to sign a Change Order No. 7 with BBL Carlton, in the amount of \$10,875.70, for changes in the CI-2A Seating Bowl Package for the New Baseball Stadium, providing for additional materials and labor necessary to change the seating area set aside to accommodate the Watt Powell Park Seats from floor-mounted to riser-mounted. Change Order No. 7 increases the contract price to 3,889,548.43.”

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

That the Mayor is hereby authorized and directed to sign a Change Order No. 7 with BBL Carlton, in the amount of Ten Thousand Eight Hundred Seventy-five Dollars and Seventy Cents (\$10,875.70), for changes in the CI-2A Seating Bowl Package for the New Baseball Stadium, providing for additional materials and labor necessary to change the seating area set aside to accommodate the Watt Powell Park Seats from floor-mounted to riser-mounted. Change Order No. 7 increases the contract price to 3,889,548.43.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 690-04, adopted.

11. Your Committee on Finance has had under consideration a Proposal submitted by Verizon Network Integration, in the amount of \$19,056, for purchase of Fiber Optic Equipment (Cisco Systems) to upgrade the City’s network for fiber optic capability. To be charged to Account No. 001-976-00-700-4-459, Police – Capital Outlay, Equip, and reports the same to council with the recommendation that the committee report 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.

12. Your Committee on Finance has had under consideration a Payment of an invoice WV State Police, in the total amount of \$79,282.19, for reimbursement of funds for purchase of an automated finger print unit (\$14,282.19), and for completion of Phase 2, software development (\$65,000) for warrants component, to be used to support the statewide Domestic Violence system. To be charged to Account No. 095-178-97-005-0-341, Pro Arrest Grant, and reports the same to council with the recommendation that the committee report 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.

## **REPORTS OF OFFICERS**

1. Report of the City of Charleston Payroll Variance Analysis;  
October 2004;  
Received and Filed.

## **NEW BILLS INTRODUCED**

Introduced by Councilman Archie Chestnut on November 1, 2004:

**Bill No. 7106-** A Bill to amend and re-enact Ordinance No. 6429, passed by Council on December 15, 1997 relating to the establishment of a metered vehicular parking zone for the exclusive use, twenty-four hours a day, of the physically disabled on the southerly side of Quarrier Street from a point 40 feet east of Capitol Street to a point 62 feet east of Capitol Street to provide for the removal of vehicles illegally parked in these spaces, to incorporate the provisions of West Virginia Code, Chapter 17C, Article 13, Section 6, and amending the Traffic Control Map and Traffic Control File, established by the Code of the City of Charleston, West Virginia, two thousand three, as amended, Traffic Law, Chapter one hundred fourteen, Article five, to conform therewith.

**Refer to Streets and Traffic Committee.**

Introduced by Councilman Archie Chestnut on November 1, 2004:

**Bill No. 7107-** A Bill to establish a metered vehicular parking zone for the exclusive use, twenty-four hours a day, of the physically disabled on the easterly side of Summers Street from a point 150 feet north of Quarrier Street to a point 172 feet north of Quarrier Street to provide for the removal of vehicles illegally parked in these spaces, to incorporate the provisions of West Virginia Code, Chapter 17C, Article 13, Section 6, and amending the Traffic Control Map and Traffic Control File, established by the Code of the City of Charleston, West Virginia, two thousand three, as amended, Traffic Law, Chapter one hundred fourteen, Article five, to conform therewith.

**Refer to Streets and Traffic Committee.**

## ROLL CALL

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

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

ABSENT: Markham

At 7:25 p.m., on motion of Councilman Loeb, Council adjourned until Monday November 15, 2004, at 7:00 p.m.

---

Danny Jones, Honorable Mayor

---

James M. Reishman, City Clerk