

JOURNAL
OF THE
COUNCIL
CITY OF CHARLESTON
WEST VIRGINIA

APRIL 19, 2004

THE COUNCIL MET IN CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE SECOND MEETING IN THE MONTH OF APRIL ON THE 19th DAY, IN THE YEAR 2004, AND WAS CALLED TO ORDER BY THE HONORABLE MAYOR, DANNY JONES, AT 7:00 P.M. THE INVOCATION WAS DELIVERED JACK HARRISON, AND THE PLEDGE OF ALLEGIANCE WAS LEAD BY TERESA REED.

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

CHESTNUT	CLOWSER	DEITZLER
DAVIS		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-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.

APRIL 19, 2004, SECOND MEETING

CHARLESTON CITY COUNCIL JOURNAL APRIL 19, 2004

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. 7054, A BILL AMENDING AND REENACTIN SECTION6-52, 6-11 AND 6-141 OF THE CODE OF THE CITY OF CHARLESTON 2003 AS AMENDED; AND REPEALING SECTION6-112 OF THE CODE OF THE CITY OF CHARLESTON 2003, AS AMENDED; ALL RELATING TO ALCHOLIC BEVERAGE LICENSING FEES.

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 PUBLIC HEARING ON BILL NO. 7054

CLOSED.

PUBLIC SPEAKERS

1. Lex Williams, Charleston
2. Jeane English, Charleston
3. Sue Eisinger, Charleston

CLAIMS

1. A claim of Edward Hacala, 5407 Staunton Avenue, Charleston, WV; alleges damage to property; Refer to City Solicitor.
2. A claim of Elbert Mosley, 611 Gilmer Street, Charleston, WV; alleges personal injury; Refer to City Solicitor.
3. A claim of Elicia Dunfee, 630 South High Street, Huntington, WV; alleges personal injury; Refer to City Solicitor.
4. A claim of Robin Fischer, HC 83 Box 28, Sissonville, WV; alleges damage to vehicle; Refer to City Solicitor.

COMMUNICATIONS

MISCELLANEOUS RESOLUTIONS

NONE.

REPORTS OF STANDING COMMITTEES

ORDINANCE AND RULES

Councilman Charlie Loeb, Chairman of the Council Committee on Ordinance and Rules, submitted the following reports.

Bill No. 7047, as amended – A bill to repeal Appendix B, Zoning, Article 1 (Sections 1-1, 1-2, 1-3, 1-4, 1-5), Article II (Sections 2-1, 2-2), Article III (Sections 3-1, 3-2, 3-3, 3-4, 3-5, 3-6), Article IV (Sections 4-1, 4-2, 4-3, 4-4, 4-5, 4-6, 4-7, 4-8, 4-9, 4-10), Article V (Sections 5-1, 5-2, 5-3, 5-4, 5-5, 5-6, 5-7, 5-8, 5-9, 5-10), Article VI (Sections 6-1, 6-2, 6-3, 6-4, 6-5, 6-6, 6-7, 6-8, 6-9, 6-10), Article VII (Sections 7-1, 7-2, 7-3, 7-4, 7-5, 7-6, 7-7, 7-8, 7-9, 7-10), Article VIII (Sections 8-1, 8-2, 8-3, 8-4, 8-5, 8-6, 8-7, 8-8, 8-9, 8-10), Article IX (Sections 9-1, 9-2, 9-3, 9-4, 9-5, 9-6, 9-7, 9-8, 9-9, 9-10), Article X (Sections 10-1, 10-2, 10-3, 10-4, 10-5, 10-6, 10-7, 10-8, 10-9, 10-10, 10-11), Article XI (Sections 11-1, 11-2, 11-3, 11-4, 11-5, 11-6, 11-7, 11-8, 11-9, 11-10, 11-11), Article XII (Sections 12-1, 12-2, 12-3, 12-4, 12-5, 12-6, 12-7, 12-8, 12-9, 12-10, 12-11), Article XIII (Sections 13-1, 13-2, 13-3, 13-4, 13-5, 13-6, 13-7, 13-8, 13-9, 13-10), Article XIV (Sections 14-1, 14-2, 14-3, 14-4, 14-5, 14-6, 14-7, 14-8, 14-9, 14-10), Article XV (Sections 15-1, 15-2, 15-3, 15-4, 15-5, 15-6, 15-7, 15-8, 15-9, 15-10, 15-11, 15-12, 15-13, 15-14, 15-15, 15-16, 15-17, 15-18, 15-19, 15-20, 15-21, 15-22, 15-23, 15-24, 15-25, 15-26, 15-27, 15-28, 15-29, 15-30, 15-31, 15-32, 15-33, 15-34, 15-35, 15-36, 15-37, 15-38, 15-39, 15-40, 15-41, 15-42, 15-43, 15-44, 15-45, 15-46, 15-47, 15-48, 15-49, 15-50, 15-51, 15-52, 15-53, 15-54, 15-55), Article XVI (Sections 16-1, 16-2, 16-3, 16-4, 16-5, 16-6, 16-7, 16-8, 16-9, 16-10, 16-11, 16-12, 16-13, 16-14), Article XVII (Sections 17-1, 17-2, 17-3, 17-4, 17-5, 17-6, 17-7, 17-8, 17-9, 17-10, 17-11, 17-12, 17-13), Article XVIII (Sections 18-1, 18-2, 18-3), Article XIX (Sections 19-1, 19-2, 19-3, 19-4, 19-5), Article XX (Sections 20-1, 20-2, 20-3), Article XXI (Sections 21-1, 21-2, 21-3, 21-4, 21-5, 21-6, 21-7, 21-8, 21-9, 21-10, 21-11), Article XXII (Sections 22-1, 22-2, 22-3, 22-4, 22-5, 22-6, 22-7, 22-8, 22-9, 22-10, 22-11), Article XXIII (Sections 23-1, 23-2, 23-3, 23-4), Article XXIV (Sections 24-1, 24-2, 24-3, 24-4, 24-5, 24-6), Article XXV (Sections 25-1, 25-2, 25-3, 25-4, 25-5, 25-6, 25-7), and Article XXVI (Sections 26-1, 26-2, 26-3, 26-4, 26-5, 26-6, 26-7, 26-8, 26-9, 26-10, 26-11) of the City Code of the City of Charleston, November 25, 2003, as amended; and to amend said code by adding thereto a new chapter, designated as Chapter 91, all related to land use and zoning.

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

That the following sections are repealed: Appendix B, Zoning, Article 1 (Sections 1-1, 1-2, 1-3, 1-4, 1-5), Article II (Sections 2-1, 2-2), Article III (Sections 3-1, 3-2, 3-3, 3-4, 3-5, 3-6), Article IV (Sections 4-1, 4-2, 4-3, 4-4, 4-5, 4-6, 4-7, 4-8, 4-9, 4-10), Article V (Sections 5-1, 5-2, 5-3, 5-4, 5-5, 5-6, 5-7, 5-8, 5-9, 5-10), Article VI (Sections 6-1, 6-2, 6-3, 6-4, 6-5, 6-6, 6-7, 6-8, 6-9, 6-10), Article VII (Sections 7-1, 7-2, 7-3, 7-4, 7-5, 7-6, 7-7, 7-8, 7-9, 7-10), Article VIII (Sections 8-1, 8-2, 8-3, 8-4, 8-5, 8-6, 8-7, 8-8, 8-9, 8-10), Article IX (Sections 9-1, 9-2, 9-3, 9-4, 9-5, 9-6, 9-7, 9-8, 9-9, 9-10), Article X (Sections 10-1, 10-2, 10-3, 10-4, 10-5, 10-6, 10-7, 10-8, 10-9, 10-10, 10-11), Article XI (Sections 11-1, 11-2, 11-3, 11-4, 11-5, 11-6, 11-7, 11-8, 11-9, 11-10, 11-11), Article XII (Sections 12-1, 12-2, 12-3, 12-4, 12-5, 12-6, 12-7, 12-8, 12-9, 12-10, 12-11), Article XIII (Sections 13-1, 13-2, 13-3, 13-4, 13-5, 13-6, 13-7, 13-8, 13-9, 13-10), Article XIV (Sections 14-1, 14-2, 14-3, 14-4, 14-5, 14-6, 14-7, 14-8, 14-9, 14-10), Article XV (Sections 15-1, 15-2, 15-3, 15-4, 15-5, 15-6, 15-7, 15-8, 15-9, 15-10, 15-11, 15-12, 15-13, 15-14, 15-15, 15-16, 15-17, 15-18, 15-19, 15-20, 15-21, 15-22, 15-23, 15-24, 15-25, 15-26, 15-27, 15-28, 15-29, 15-30, 15-31, 15-32, 15-33, 15-34, 15-35, 15-36, 15-37, 15-38, 15-39, 15-40, 15-41, 15-42, 15-43,

15-44, 15-45, 15-46, 15-47, 15-48, 15-49, 15-50, 15-51, 15-52, 15-53, 15-54, 15-55), Article XVI (Sections 16-1, 16-2, 16-3, 16-4, 16-5, 16-6, 16-7, 16-8, 16-9, 16-10, 16-11, 16-12, 16-13, 16-14), Article XVII (Sections 17-1, 17-2, 17-3, 17-4, 17-5, 17-6, 17-7, 17-8, 17-9, 17-10, 17-11, 17-12, 17-13), Article XVIII (Sections 18-1, 18-2, 18-3), Article XIX (Sections 19-1, 19-2, 19-3, 19-4, 19-5), Article XX (Sections 20-1, 20-2, 20-3), Article XXI (Sections 21-1, 21-2, 21-3, 21-4, 21-5, 21-6, 21-7, 21-8, 21-9, 21-10, 21-11), Article XXII (Sections 22-1, 22-2, 22-3, 22-4, 22-5, 22-6, 22-7, 22-8, 22-9, 22-10, 22-11) Article XXIII (Sections 23-1, 23-2, 23-3, 23-4), Article XXIV (Sections 24-1, 24-2, 24-3, 24-4, 24-5, 24-6), Article XXV (Sections 25-1, 25-2, 25-3, 25-4, 25-5, 25-6, 25-7), and Article XXVI (Sections 26-1, 26-2, 26-3, 26-4, 26-5, 26-6, 26-7, 26-8, 26-9, 26-10, 26-11) of the City Code of the City of Charleston, November 25, 2003, as amended; and, that said code be amended by adding Chapter 91 to read as follows:

CHAPTER 91 ZONING

Sec. 91-1. ZONING ORDINANCE

There is hereby adopted that certain revised document heretofore published by the City and which is entitled "ZONING ORDINANCE of the CITY OF CHARLSTON, WEST VIRGINIA, as passed by Ordinance No. 2924, March 7, 1983, as amended", as revised by the Council of the City of Charleston, and kept on file in the Planning Department, City Hall, where it shall be available to the public for inspection and use during all regular business hours; and said document, as revised, is hereby incorporated herein and made a part thereof as fully as though set out in length; and the provisions of said document, as revised by council for the City of Charleston from time to time, shall be controlling within the City limits of the City of Charleston in all matters related to its subject matter. It is unlawful for any person to act in any way or manner contrary to the provisions therein.

All prior inconsistent ordinances, rules and resolutions are hereby repealed.

The effective date of this ordinance is November 25, 2003, and shall include all amendments since that date.

NOTE: The purpose of this bill is to correct an editing error which occurred during the re-codification. It was not the intent of the Council for the City of Charleston to include Appendix B verbatim within the text of the codification; but rather to have the zoning ordinance adopted by reference by the code. This Chapter is new; therefore, strike-throughs and underscoring have been omitted.

~~All prior inconsistent ordinances, rules and resolutions are hereby repealed.~~

~~The effective date of this ordinance is November 25, 2003.~~

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

YEAS: Chestnut, Clowser, Davis, Deitzler, Hall, Hanna, Harrison, Harris, Higgins, Jones, Lane, Lanham, Loeb, Markham, Miller, Monroe, Morton, Nielsen, Reed, Reishman, Robertson, Sadd,

Talkington, Ware, Weintraub, White, Mayor Jones.

NAYS:

ABSENT: Ealy.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7047, as amended passed.

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 #1140 attached hereto and made part thereof,

Your Committee finds the following:

1. The request complies with the Zoning requirements.
2. The Municipal Planning Commission and the City Council have approved similar requests in the area.
3. The addition will not cause damage, hazard, nuisance, or be a detriment to persons in the vicinity.

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 #1140, approved.

2. Your Committee on Planning has had under consideration Bill No.7027 attached hereto and made a part thereof, and reports the same to Council with the recommendation that the Bill as amended do pass.

Bill No.7027 – A Bill amending the Zoning Ordinance of the City of Charleston, West Virginia, enacted the 7th day of March 1983, as amended, and the map made a part thereof, by rezoning from R-4 Single-family Residential District to R-6 Medium Density Multi-family Residential District, that certain parcel of land situated at 4825, 4827 and 4829 Washington Avenue, S.E., Charleston, West Virginia.

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

The Zoning Ordinance of the City of Charleston, West Virginia, enacted the 7th day of March 1983, as amended, is hereby amended by rezoning from R-4 Single-family Residential District to R-6 Medium Density Multi-family Residential District the whole of the following described parcel of land:

Parcel 90 as shown on Kanawha City District Tax Map No. 14 Subject parcels are commonly know as 4825, 4827 and 4829 Washington Avenue, S.E., Charleston, West Virginia. Said tax map is of record in the Planning Office.

2. The Zoning Map, attached to and made a part of said Zoning Ordinance, is hereby amended in accordance with Section 1 of this Ordinance.

4. All prior ordinances or parts of ordinances, inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

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

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

NAYS:

ABSENT: Ealy.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7027, as amended passed.

STREETS AND TRAFFIC

1. Your Committee on Streets and Traffic has had under consideration Bill No. 7046, and reports the same to Council with the recommendation that the bill do pass.

Bill No. 7046 - A Bill to establish a **Metered Vehicular Parking** zone for the exclusive use of the physically disabled on the easterly side of Summers Street from a point 120 feet south of Washington St. East to a point 186 feet south of Washington Street East 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 File, established by the Code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Law, Chapter one hundred fourteen, Article five, to conform therewith.

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

Section 1. A **Metered Vehicular Parking** zone for the exclusive use of the physically disabled on the easterly side of Summers Street from a point 120 feet south of Washington St. East to a point 186 feet south of Washington Street East is hereby established.

Section 2. In order for a physically disabled person to utilize the parking spaces provided in the preceding section the vehicle which they are driving or in which they are being transported must display the distinguishing insignia provided

for in West Virginia Code, Chapter 17C, Article 13, Section 6.

Section 3. It shall be unlawful for any vehicle not displaying the insignia provided in Section 2 to park in those spaces for the disabled provided for in Section 1. Any vehicle in violation of this section may be ticketed and impounded as provided for in Chapter 114, Vehicles and Traffic Law, Code of the City of Charleston, West Virginia.

Section 4. The Traffic Control Map and Traffic Control File, established by the Code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Law, Chapter one hundred fourteen, Article five, shall be and hereby are, amended to conform to this Ordinance.

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

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

NAYS:

ABSENT: Ealy.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7046 passed.

2. Your Committee on Streets and Traffic has had under consideration Bill No. 7055, and reports the same to Council with the recommendation that the bill do pass.

Bill No. 7055 – A Bill to prohibit vehicular traffic in the easterly direction on Chelsea Drive and amending the Traffic Control Map and Traffic Control File, established by the Code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Law, Chapter one hundred fourteen, Article five, to conform therewith.

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

Section 1. Vehicles are hereby prohibited from traveling in an easterly direction on Chelsea Drive.

Section 2. The Traffic Control Map and Traffic Control File, established by the code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Law, Chapter one hundred fourteen, Article five, shall be and hereby are amended, to conform to this Ordinance.

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

YEAS: Chestnut, Clowser, Davis, Deitzler, Hall, Hanna, Harrison, Harris, Higgins, Jones, Lane,

Lanham, Loeb, Markham, Miller, Monroe, Morton, Nielsen, Reed, Reishman, Robertson, Sadd, Talkington, Ware, Weintraub, White, Mayor Jones.

NAYS:

ABSENT: Ealy.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7055 passed.

3. Your Committee on Streets and Traffic has had under consideration Bill No. 7057, and reports the same to Council with the recommendation that the bill do pass.

Bill No. 7057 – A Bill to establish a Stop Sign on Lynn Place at the intersection of Carriage Road and Lynn Place and amending the Traffic Control Map and Traffic Control File, established by the Code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Law, Chapter one hundred fourteen, Article five, to conform therewith.

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

Section 1. A Stop Sign on Lynn Place at the intersection of Carriage Road and Lynn Place is hereby established.

Section 2. The Traffic Control Map and Traffic Control File, established by the Code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Law, Chapter one hundred fourteen, Article five, shall be and hereby are amended, to conform therewith.

Section 3. All prior Ordinances, inconsistent 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-27, nays-0, absent-1, as follows:

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

NAYS:

ABSENT: Ealy.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7057 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. 523-04, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 523-04 – “Authorizing the Finance Director to make revisions to the 2003-2004 General Fund budget as indicated on the attached list of accounts.”

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

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

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

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-27, nays-0, absent-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, Sadd, Talkington, Ware, Weintraub, White, Mayor Jones.

NAYS:

ABSENT: Ealy.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 523-04, adopted.

2. Your Committee on Finance has had under consideration Resolution No. 524-04, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 524-04 – “Authorizing the Finance Director to make revisions to the 2004-2005 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 2004-2005 General Fund budget as indicated on the attached list of accounts; and be it

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

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-27, nays-0, absent-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, Sadd, Talkington, Ware, Weintraub, White, Mayor Jones.

NAYS:

ABSENT: Ealy.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 524-04, adopted.

3. Your Committee on Finance has had under consideration Resolution No. 525-04, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 525-04 – “Authorizing the Mayor to sign a request for project change of scope for the Daymark, Inc. & Patchwork grant, project 02PGP0192, in the amount of \$6,506.05. The original scope of work was the retirement of the mortgage on the New Connection building, replacement of roof and windows in the Patchwork facility, complete flood repair, installation of hot water tank and line, repair and cleaning of the hearing and cooling unit, and sanitizing the Turning Point facility. All of these activities have been completed and they are requesting a change of scope to allow the remaining funds from this grant to assist in computerizing their GED lab.”

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

That the Mayor is hereby authorized and directed to sign a request for project change of scope for the Daymark, Inc. & Patchwork grant, project 02PGP0192, in the amount of \$6,506.05. The original scope of work was the retirement of the mortgage on the New Connection building, replacement of roof and windows in the Patchwork facility, complete flood repair, installation of hot water tank and line, repair and cleaning of the hearing and cooling unit, and sanitizing the Turning Point facility. All of these activities have been completed and they are requesting a change of scope to allow the remaining funds from this grant to assist in computerizing their GED lab.

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, 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: Ealy.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 525-04, adopted.

4. Your Committee on Finance has had under consideration Resolution No. 526-04, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 526-04 – “Authorizing the Mayor to enter into an Agreement with The Board of Education of the County of Kanawha, authorizing the Chief of Police to delegate off-duty police officer(s) to serve, upon request by the Board, as security personnel at City school facilities when violence or serious threats occur against students, staff or facilities. The Agreement shall become effective April 20, 2004, and may be terminated by either party upon ten (10) days

written notice. The hourly rate for the services rendered shall be at \$32.00 per hour.”

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 with The Board of Education of the County of Kanawha, authorizing the Chief of Police to delegate off-duty police officer(s) to serve, upon request by the Board, as security personnel at City school facilities when violence or serious threats occur against students, staff or facilities. The Agreement shall become effective April 20, 2004, and may be terminated by either party upon ten (10) days written notice. The hourly rate for the services rendered shall be at Thirty-two Dollars (\$32.00) per hour.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas- 25, nays-1, absent-1, abstain – 1, as follows:

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

NAYS: Sadd,

ABSENT: Ealy.

ABSTAIN: Miller

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 526-04, adopted.

5. Your Committee on Finance has had under consideration Resolution No. 527-04, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 527-04 – “Authorizing the Mayor to sign Change Order No. 1 with O’Rourke Wrecking Company, in the amount of \$262,000, for removal of asbestos containing roofing material prior to demolition of structure (\$33,000); and demolition of the 4-story structure located at 601 Morris Street (\$229,000), at the site for the new ballpark. Change Order No. 1 increases the contract amount for Demolition and Asbestos Abatement Services from \$644,000 to \$906,000.”

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 O’Rourke Wrecking Company, in the amount of Two Hundred Sixty-two Thousand Dollars (\$262,000), for removal of asbestos containing roofing material prior to demolition of structure (\$33,000); and demolition of the 4-story structure located at 601 Morris Street (\$229,000), at the site for the new ballpark. Change Order No. 1 increases the contract amount for Demolition and Asbestos Abatement Services from \$644,000 to \$906,000.

The question being on the adoption of the Resolution a vote was taken. There being only one dissent by Markham, the Mayor declared Resolution No. 527-04, adopted.

6. Your Committee on Finance has had under consideration Resolution No. 528-04, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 528-04 – “Authorizing the Mayor to sign an Agreement with Spilman, Thomas & Battle, PLLC, for professional services related to the ongoing litigation for the proposed water rate increase by the West Virginia American Water Company.”

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

That the Mayor is hereby authorized and directed to sign an Agreement with Spilman, Thomas & Battle, PLLC, for professional services related to the ongoing litigation for the proposed water rate increase by the West Virginia American Water Company.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-23, nays-1, absent-1, abstain – 3, as follows:

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

NAYS: Sadd,

ABSENT: Ealy.

ABSTAIN: Davis, Loeb, Ware,

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 528-04, adopted.

7. Your Committee on Finance has had under consideration a proposal submitted by Eastcom Associates, Inc., in the amount of \$4,575, for purchase of one (1) 10/RD4000 Line Locator/Fault Locator to be used by the Traffic Engineering Department. To be charged to Account No. 001-976-00-715-4-459, Traffic Engineering – Capital Outlay, Equipment, 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

8. Your Committee on Finance has had under consideration a proposal submitted by RGA, Inc., in the amount of \$38,600, for purchase of replacement traffic signal equipment for the following intersections:

- Route 119 and I – 64
- Route 119 and I – 64 at Cantely Drive
- Route 119 and I – 64 at Oakwood Drive
- Morris Street and Lewis Street

To be charged to Account No. 001-976-00-712-4-459, Traffic Engineering – Capital Outlay, Equipment, 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

9. Your Committee on Finance has had under consideration to repeal of the purchase of twelve (12) 2004 Ford Crown Victoria Police Interceptors (cruisers) from St. Mary's Ford & Mercury, in the amount of \$256,260, approved by Council on December 15, 2003, due to cancellation of Contract PC04A by the State of West Virginia and the award of a new contract with Stephens Auto Center, 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

10. Your Committee on Finance has had under consideration a proposal submitted by Stephens Auto Center, in the amount of \$256,524, for purchase of twelve (12) 2004 Ford Crown Victoria Police Interceptors (cruisers) for use in the Patrol Divisions of the Charleston Police Department. To be charged to Account No. 001-976-00-700-4-461, Police – Capital Outlay, Lease/Purchase, 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

11. Your Committee on Finance has had under consideration a payment of an invoice from Commercial Insurance Services, in the amount of \$23,000, for the addition of 33 vehicles under the City's liability insurance coverage. 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 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 from Merco, Inc., in the amount of \$10,118.44, for materials and supplies to rebuild the boat dock at Daniel Boone Park that was damaged during recent floods. To be charged to Account No. 220-979-00-900-4-458, P&R – Capital Outlay major Improvements (FEMA Reimbursable Funds), 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, Municipal Court Financial Statements; March, 2004.

Received and Filed.

2. Report of the City of Charleston Financial Statements for the Nine-Month period ended March 31, 2004.

Received and Filed.

NEW BILLS INTRODUCED

Introduced by Councilman Harrison and Councilwoman Nielsen on April 19, 2004:

Bill 7056 – A Bill to establish **No Parking Anytime Tow-Away** on all of Kinser Road from the end of Kinser Road to a point 40’ west of the end of Kinser Road and amending the 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 Councilwoman Davis on April 19, 2004:

Bill 7050 – A Bill to amend and re-enact Ordinance No. 3029, passed by Council on December 20, 1982 relating to the establishment of a stop intersection on Chesterfield Avenue at the intersection of Chesterfield Avenue and 50th Street 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 Councilwoman Davis on April 19, 2004:

Bill 7059 – A Bill amending the Zoning Ordinance of the City of Charleston by amending the table of permitted uses to allow “Restaurant (serving alcoholic beverages)” as a special permitted use in a C-4 Neighborhood Commercial District.

Refer to Municipal Planning Commission.

Introduced by Councilwoman Teresa Reed on April 19, 2004:

Bill 7060 – A Bill to repeal Ordinance No. 6063 passed by Council on December 19, 1994, relating to a **NO PARKING ANYTIME TOW-AWAY** zone on the south side of Swarthmore Avenue from Highland Road to Edgewood Drive and amending the Traffic Control Map and Traffic Control File, established by the Code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic, Law, Chapter one Fourteen, Article five, to conform therewith.

Refer to Streets and Traffic Committee.

UNFINISHED OR MISCELLANEOUS BUSINESS

None.

ROLL CALL

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

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

ABSENT: Ealy.

At 8:00 p.m., on motion of Councilman Loeb, Council adjourned until Tuesday April 20, 2004 for a Special Meeting of Council. The next regular meeting of Council will be Monday, May 3, 2004, at 7:00 p.m.

Danny Jones, Honorable Mayor

James M. Reishman, City Clerk