

***JOURNAL***  
**OF THE**  
***COUNCIL***  
**CITY OF CHARLESTON**  
**WEST VIRGINIA**

**August 16, 2004**

**THE COUNCIL MET IN CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE SECOND MEETING IN THE MONTH OF AUGUST ON THE 16<sup>TH</sup> DAY, IN THE YEAR 2004, AND WAS CALLED TO ORDER BY THE HONORABLE MAYOR, DANNY JONES. 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:**

<b>CHESTNUT</b>	<b>CLOWSER</b>	<b>DEITZLER</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>MARKHAM</b>
<b>MILLER</b>	<b>MONROE</b>	<b>MORTON</b>
<b>NIELSEN</b>	<b>REED</b>	
<b>ROBERTSON</b>	<b>SADD</b>	<b>TALKINGTON</b>
<b>WARE</b>	<b>WEINTRAUB</b>	<b>WHITE</b>
<b>MAYOR JONES</b>		

**TWENTY-FOUR 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.**

**AUGUST 16, 2004, SECOND MEETING**

## CHARLESTON CITY COUNCIL JOURNAL AUGUST 16, 2004

### PUBLIC SPEAKERS

1. James Straughter – Security.
2. Sam Haddad – Employer support of the Guard and Reserve

### CLAIMS

1. A claim of Anna Bradshaw, 1331 Stuarts St., Charleston, WV; alleges personal injury; Refer to City Solicitor.
2. A claim of Gary Duckwyler, 5025 Ohio St., South Charleston, WV; alleges damage to vehicle; Refer to City Solicitor.
3. A claim of Sue Atkinson, 8607 Ohio Ave., Marmet, WV; alleges damage to vehicle; Refer to City Solicitor.
4. A claim of Teresa Seefried, 9549 Sundial Ct., Richmond, VA; alleges damage to vehicle; Refer to City Solicitor.
5. A claim of Derrek Bays, 5118 Big Tyler Rd., Cross Lanes, WV; alleges damage to vehicle; Refer to City Solicitor.

### PROCLAMATION

NONE

### COMMUNICATIONS

**TO: JAMES REISHMAN  
CITY CLERK**

**FROM: DANNY JONES  
MAYOR**

**RE: CHARLESTON HUMAN RIGHTS COMMISSION**

**DATE: AUGUST 16, 2004**

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I am recommending that Jon Jones, 4909 Washington Avenue, Charleston, West Virginia 25304, be appointed to the Charleston Human Rights Commission, with a said term to expire June 30, 2007. He will be replacing Dennis Johnson.

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

DJ/ads

The Mayor declared the appointment approved.

**TO: JAMES REISHMAN  
CITY CLERK**

**FROM: DANNY JONES  
MAYOR**

**RE: CHARLESTON HUMAN RIGHTS COMMISSION**

**DATE: AUGUST 16, 2004**

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I am recommending that Gale Teare, 1565 Virginia Street, Charleston, West Virginia 25311 be appointed to the Charleston Human Rights Commission, with a said term to expire June 30, 2007. She will be replacing Mark Rigsby.

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

DJ/ads

The Mayor declared the appointment approved.

**TO: JAMES REISHMAN  
CITY CLERK**

**FROM: DANNY JONES  
MAYOR**

**RE: ARCHITECTURAL REVIEW COMMITTEE**

**DATE: AUGUST 16, 2004**

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I am recommending that Marc Monteleone, 600 Quarrier Street, Charleston, West Virginia 25301, be reappointed to the Architectural Review Committee, with a said term to expire January 21, 2007.

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

DJ/ads

The Mayor declared the appointment approved.

**TO: JAMES REISHMAN  
CITY CLERK**

**FROM: DANNY JONES  
MAYOR**

**RE: ARCHITECTURAL REVIEW COMMITTEE**

**DATE: AUGUST 16, 2004**

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I am recommending that Robert Shay, 104 Pine Terrace, South Charleston, West Virginia 25309, be reappointed to the Architectural Review Committee, with a said term to expire January 21, 2007.

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

DJ/ads

The Mayor declared the appointment approved.

**TO: JAMES REISHMAN  
CITY CLERK**

**FROM: DANNY JONES  
MAYOR**

**RE: CHARLESTON BUILDING COMMISSION**

**DATE: AUGUST 16, 2004**

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I am recommending that Paula Butterfield, 215 35<sup>th</sup> Street, Charleston, West Virginia 25304, be appointed to the Charleston Building Commission, with a said term to expire July 20, 2009. She will be replacing Charles Gardner.

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

DJ/ads

The Mayor declared the appointment approved.

**TO: JAMES REISHMAN  
CITY CLERK**

**FROM: DANNY JONES  
MAYOR**

**RE: MUNICIPAL BEAUTIFICATION COMMISSION**

**DATE: AUGUST 16, 2004**

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I am recommending that Beverly Hill, 305 Mountain View Road, Charleston, West Virginia 25314, be reappointed to the Municipal Beautification Commission, with a said term to expire September 19, 2007.

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

DJ/ads

The Mayor declared the appointment approved.

**TO: JAMES REISHMAN  
CITY CLERK**

**FROM: DANNY JONES  
MAYOR**

**RE: MUNICIPAL BEAUTIFICATION COMMISSION**

**DATE: AUGUST 16, 2004**

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I am recommending that Beverly Wright, 305 Mountain View Road, Charleston, West Virginia 25314, be reappointed to the Municipal Beautification Commission, with a said term to expire September 19, 2007.

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

DJ/ads

The Mayor declared the appointment approved.

**TO: JAMES REISHMAN  
CITY CLERK**

**FROM: DANNY JONES  
MAYOR**

**RE: MUNICIPAL BEAUTIFICATION COMMISSION**

**DATE: AUGUST 16, 2004**

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I am recommending that Betsy Johnson, 1119 Johnson Road, Charleston, West Virginia 25314, be reappointed to the Municipal Beautification Commission, with a said term to expire September 19, 2007.

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

DJ/ads

The Mayor declared the appointment approved.

**TO: JAMES REISHMAN  
CITY CLERK**

**FROM: DANNY JONES  
MAYOR**

**RE: MUNICIPAL BEAUTIFICATION COMMISSION**

**DATE: AUGUST 16, 2004**

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I am recommending that Barbara McCabe, 1553 Bridge Road, Charleston, West Virginia 25314, be reappointed to the Municipal Beautification Commission, with a said term to expire September 19, 2007.

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

DJ/ads

The Mayor declared the appointment approved.

**TO: JAMES REISHMAN  
CITY CLERK**

**FROM: DANNY JONES  
MAYOR**

**RE: MUNICIPAL BEAUTIFICATION COMMISSION**

**DATE: AUGUST 16, 2004**

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I am recommending that Mary Jane Vanderwilt, 1208 Upper Ridgeway Road, Charleston, West Virginia 25314, be reappointed to the Municipal Beautification Commission, with a said term to expire September 19, 2007.

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

DJ/ads

The Mayor declared the appointment approved.

August 5, 2004

Honorable Danny Jones and  
City Council Members  
Charleston, West Virginia 25301

Dear Mayor Jones and Councilmembers:

On August 4, 2004, the Municipal Planning Commission held public hearings and its regular monthly meeting. The following case should be referred to the Council Committee on

Planning:

Bill #7090 – Petition of John W. Carper and Sue D. Carper to rezone property located at 1606 and 1608 Third Avenue, Charleston, West Virginia from R-4 Single Family Residential to C-6 General Commercial District.

Bill #7091 – Petition of Patricia L. McElroy for Professional Therapy Services, Inc., contract purchaser, to rezone property located at 1013-A Oakhurst Drive, Charleston, West Virginia from C-4 Neighborhood Commercial District with restrictions to C-4 Neighborhood Commercial.

Special Permit #1165 – Application of S. Scott Miller to establish a restaurant serving liquor in the Central Business District Urban Renewal area at 10 Capitol Street.

Special Permit #1166 – Application of Red Tape Processing Co., agent for Galileo, LLC, contract purchaser to establish professional offices in both buildings on property located in an R-10 High Density Multi Family Residential zoning district and East End Historical District at 2518 Kanawha Boulevard, East, Charleston, West Virginia.

The Mayor referred the cases to the Planning Committee.

August 11, 2004

Honorable Danny Jones and  
City Council Members  
Charleston, West Virginia 25301

Dear Mayor Jones and Councilmembers:

Please withdraw the Bill #7084 – A Bill amending the Zoning Ordinance of the City of Charleston by amending the table of permitted uses to remove “Public Utility” as a permitted use in a C-4 Neighborhood Commercial District, C-6 Community Commercial District, and C-8 Village Commercial District and make “Public Utility” a special permit use in all three districts.

The Bill had been scheduled to be heard by City Council on August 16<sup>th</sup>.

Sincerely,  
Planning Department

Dan Vriendt, Planning Director

The Mayor withdrew Bill No. 7084.

## MISCELLANEOUS RESOLUTIONS

### RESOLUTION NO. 632-04

#### THE CITY COUNCIL OF CHARLESTON, WEST VIRGINIA EMPLOYER SUPPORT OF THE GUARD AND RESERVE

Introduced in the City Council

By Mark A. Sadd

on August 16, 2004

**WHEREAS**, the Employer Support of the Guard and Reserve is a U.S. Department of Defense volunteer organization that provides education, consultation and mediation for public and private employers with employees in the National Guard and Reserve; and

**WHEREAS**, the mission of the Employer Support of the Guard and Reserve is to gain and maintain active support from all public and private employers for the men and women of the Guard and Reserve as defined by demonstrated employer commitment to employee military service; and

**WHEREAS**, the Employer Support of the Guard and Reserve is active throughout West Virginia because West Virginia public and private employers especially are committed to employee military service and the Guard and Reserve's key role in the defense of the homeland and the Nation's war against the invidious threat of international terrorism; and

**WHEREAS**, the Employer Support of the Guard and Reserve sponsors NASCAR Car No. 29 — America's Car, Saluting America's Employers — that travels around the United States to highlight and celebrate employer commitment to employee military service; and

**WHEREAS**, Employer Support of the Guard and Reserve is represented by some of NASCAR's best drivers, Ricky Craven, Tony Stewart, Kerry Earnhardt, Kevin Harvik and Bobby Labonte, America's Dream Team for each of the branches of the military; and

**WHEREAS**, Employer Support of the Guard and Reserve Car No. 29 will be displayed on the Court Street side of the Charleston Town Center Mall on Friday, September 3, 2004, between 10 a.m., and 3 p.m., for all of the public to view; and

**WHEREAS**, a 40-foot-long banner also will be displayed for all citizens to sign as a symbol of their unwavering support for the 1.2 million men and women who serve so selflessly and bravely in the Guard and Reserve to protect our Nation, our freedoms and our liberty;

#### **NOW, WHEREFORE, BE IT RESOLVED,**

That the City Council of Charleston, West Virginia, recognizing and honoring Employer Support for the Guard and Reserve and the 1.2 million dedicated, hard-working, and patriotic men and women of the Guard and Reserve, does hereby declare September 3, 2004, as Employer Support for the Guard and Reserve Day in the City of Charleston, and asks all citizens to become signatories in support thereof.

Adopted by the City Council of Charleston, West Virginia,

this 16th day of August, 2004.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared the Resolution No. 632-04 adopted.

## **REPORTS OF STANDING COMMITTEES**

### ***PLANNING***

Councilmember Jack Harrison, Vice Chair of the Planning Committee, submitted the following reports.

Councilmember Harrison made a motion to amend the Committee Report by striking through the words “contingent upon the passage of Bill 7084”.

1. Your Committee on Planning has had under consideration Bill #7072, attached hereto and made a part thereof, and reports the same to Council with the recommendation that the Bill do pass, ~~contingent upon the passage of Bill 7084.~~

Bill No. 7072 – A Bill amending the Zoning Ordinance of the City of Charleston, West Virginia, enacted the 7<sup>th</sup> day of March 1983, as amended, and the map made a part thereof, be rezoning from R-4 Single Family Residential to C-4 Neighborhood Commercial District that certain parcel of land situates at 215 Stockton Street, Charleston, West Virginia”

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

1. The Zoning Ordinance of the City of Charleston, West Virginia, enacted the 7<sup>th</sup> day of march 1983, as amended, is hereby amended by rezoning from R-4 Single Family Residential to C04 neighborhood Commercial district the whole of the following described parcel of land:

Parcel 22 as shown on West Charleston Tax Map No. 23 Subject parcel commonly know as 215 Stockton Street 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.

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

The question being on the passage of the Bill a roll call was taken and there were; yeas-24, nays-0, absent-4, as follows:

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

NAYS:

ABSENT: Davis, Ealy, Hall, Reishman.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7072 passed.

**2.** Your Committee on Planning has had under consideration Renaming Scott Road to Barclay Drive, attached hereto and made a part thereof,

Your Committee finds the following:

1. The U.S. Postal Service has approved the name.
2. All city departments have been notified with no objections.

and reports the same to Council with the recommendation that the Street Renaming be accepted.

The question being on the passage of the street renaming a vote was taken. There being no dissent the Mayor declared the street renaming of Scott Road to Barclay Drive approved.

**3.** Your Committee on Planning has had under consideration Special Permit #1162 attached hereto and made a part thereof,

Your Committee finds the following:

1. The proposed use of the property is consistent with the requirements established by the Zoning Ordinance for the Special Permit use.
2. The Kanawha City Community Revitalization Plan for future land use addresses the subject property as multiple family uses, however, the property has subsequently been rezoned to R-10 where offices are allowed by Special Permit.
3. The subject property contains two vacant residential structures that are not inhabited and are currently in a state of disrepair and are highly visible from MacCorkle Avenue and are a blight to the neighborhood.

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

The question being on the passage of the Special Permit a vote was taken. There being no dissent the Mayor declared Special Permit #1162 approved.

***FINANCE***

Councilman Charlie Loeb, Vice Chairman of the Council Committee on Finance, submitted the following reports.

1. Your Committee on Finance has had under consideration Resolution No. 623-04, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 623-04 – “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-24, nays-0, absent-4, as follows:

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

NAYS:

ABSENT: Davis, Ealy, Hall, Reishman.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 623-04 adopted.

2. Your Committee on Finance has had under consideration Resolution No. 624-04, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 624-04 – “Authorizing the Mayor to enter into an agreement with West Virginia Uniforms for purchase of employee uniforms for the Public Works Department at a cost of \$420.91 per set.”

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 West Virginia Uniforms for purchase of employee uniforms for the Public Works Department at a cost of Four Hundred Twenty Dollars and Ninety-one Cents (\$420.91) per set.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared the Resolution No. 624-04 adopted.

3. Your Committee on Finance has had under consideration Resolution No. 625-04, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 625-04 – “Authorizing the Mayor to enter into an agreement with B.B.R. Drilling Co., in the amount of \$148,830, for the Mary Street Retaining Wall project.”

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

That the Mayor is hereby authorized and directed to enter into an agreement with B.B.R. Drilling Co., in the amount of One Hundred Forty-eight Thousand Eight Hundred Thirty Dollars (\$148,830), for the Mary Street Retaining Wall project.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared the Resolution No. 625-04 adopted.

4. Your Committee on Finance has had under consideration Resolution No. 626-04, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 626-04 – “Authorizing the Mayor to sign a request for project change of scope for the Tiskelwah Wellness/Fitness Program, Project No. 03LEDA0155, in the amount of \$20,000. The original scope for the project included a playground area for children and a walking area for other residents of the community. The project change of scope requests that the money be used for the completion of the fire suppression system and for the renovation of the restrooms at the facility to bring them up to ADA compliance.”

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 Tiskelwah Wellness/Fitness Program, Project No. 03LEDA0155, in the amount of Twenty Thousand Dollars (\$20,000). The original scope for the project included a playground area for children and a walking area for other residents of the community. The project change of scope requests that the money be used for the completion of the fire suppression system and for the renovation of the restrooms at the facility to bring them up to ADA compliance.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-23, nays-0, absent-5, as follows:

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

NAYS:

ABSENT: Chestnut, Davis, Ealy, Hall, Reishman.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 626-04 adopted.

5. Your Committee on Finance has had under consideration Resolution No. 627-04, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 627-04 – “Authorizing the Finance Director to allocate funds in the amount of \$22,700 for acquisition of one HOME project in the Fort Hill area of Charleston.”

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-two Thousand Seven Hundred Dollars (\$22,700) for acquisition of one HOME project in the Fort Hill area of Charleston.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-24, nays-0, absent-4, as follows:

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

NAYS:

ABSENT: Davis, Ealy, Hall, Reishman.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 627-04 adopted.

6. Your Committee on Finance has had under consideration Resolution No. 628-04, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 628-04 – “Authorizing the Mayor to enter into an agreement with Vista View Apartments, LP, to allocate HOME funds for substantial rehabilitation of 195 rental units located at the Spring Hill Apartment complex. HOME funding will be allocated up to an amount of \$1,000,000 and is subject to meeting the completion requirements of the City of Charleston/Kanawha County Home Consortium guidelines.”

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 Vista View

Apartments, LP, to allocate HOME funds for substantial rehabilitation of 195 rental units located at the Spring Hill Apartment complex. HOME funding will be allocated up to an amount of One Million Dollars (\$1,000,000) and is subject to meeting the completion requirements of the City of Charleston/Kanawha County Home Consortium guidelines.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-24, nays-0, absent-4, as follows:

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

NAYS:

ABSENT: Davis, Ealy, Hall, Reishman.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 628-04 adopted.

7. Your Committee on Finance has had under consideration Resolution No. 629-04, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 629-04 – “Authorizing the Mayor to sign a grant award with the West Virginia Department of Transportation, Governor’s Highway Safety Program, in the amount of \$33,900. The grant is for continued funding of the Kanawha-Charleston Community DUI Enforcement Program and covers salaries and other related activities for the Program during July 1, 2004 to June 30, 2005.”

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 award with the West Virginia Department of Transportation, Governor’s Highway Safety Program, in the amount of Thirty-three Thousand Nine Hundred Dollars (\$33,900). The grant is for continued funding of the Kanawha-Charleston Community DUI Enforcement Program and covers salaries and other related activities for the Program during July 1, 2004 to June 30, 2005.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared the Resolution No. 629-04 adopted.

8. Your Committee on Finance has had under consideration Resolution No. 630-04, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 630-04 – “Authorizing the Mayor to enter into an Agreement with BBL Carlton, LLC, in the amount of \$2,795,000, for construction of the Concourse Area at the New Ballpark.”

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 BBL Carlton,

LLC, in the amount of Two Million Seven Hundred Ninety-five Thousand Dollars (\$2,795,000), for construction of the Concourse Area at the New Ballpark.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-23, nays-1, absent-4, as follows:

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

NAYS: Markham

ABSENT: Davis, Ealy, Hall, Reishman.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 630-04 adopted.

9. Your Committee on Finance has had under consideration Resolution No. 631-04, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 631-04 – “Authorizing the Mayor to enter into an Agreement with Athletic Field Services, Inc., in the amount of \$665,750, for construction of the Playing Field at the New Ballpark.”

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 Athletic Field Services, Inc., in the amount of Six Hundred Sixty-five Thousand Seven Hundred Fifty Dollars (\$665,750), for construction of the Playing Field at the New Ballpark.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-23, nays-1, absent-4, as follows:

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

NAYS: Markham

ABSENT: Davis, Ealy, Hall, Reishman.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 631-04 adopted.

10. Your Committee on Finance has had under consideration a bid submitted Gateway Companies, in the amount of \$7,674.92, for purchase of a 50-inch Plasma Display Monitor/Television by the Office of Emergency Services and Homeland Security. The monitor will be assigned for used in the Training Division of the Charleston Police Department and is covered by a 3-year warranty. To be charged to Account No. 045-976-04-001-4-459, Homeland Security Grant/Cities—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.

11. Your Committee on Finance has had under consideration a bid submitted by Dive Tech & Sports, Inc., in the amount of \$14,169.58, for purchase of tow (2) sets of scuba diving gear by the Office of Emergency Services and Homeland Security. The equipment will be assigned for use in the Criminal Investigations Divisions of the Charleston Police Department. Purchase of Scuba Diving Gear for Police Department. To be charged to Account No. 045-976-04-001-4-459, Homeland Security Grant/Cities—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.

12. Your Committee on Finance has had under consideration a bid submitted Charleston Marine, Inc., in the amount of \$38,180, for purchase of an 18-foot Sea Ark River Runner Patrol Boat by the Office of Emergency Services and Homeland Security. The boat will be assigned for use in the Charleston Police Department to patrol waters of the Kanawha and Elk rivers. To be charged to Account No. 045-976-04-001-4-459, Homeland Security Grant/Cities—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.

13. Your Committee on Finance has had under consideration a bid submitted by Charleston Marine, Inc., in the amount of \$38,180, for purchase of an 18-foot Sea Ark River Runner Patrol Boat by the Office of Emergency Services and Homeland Security. The boat will be assigned for use in the Charleston Police Department to patrol waters of the Kanawha and Elk rivers. To be charged to Account No. 045-976-04-001-4-459, Homeland Security Grant/Cities—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.

14. Your Committee on Finance has had under consideration a bid submitted by Electronic Communications of WV, Inc., in the amount of \$7,898.40, for purchase of two (2) sets of Emergency Lightning/Radio System equipment by the Office of Emergency Services and Homeland Security. The equipment will be assigned to the Charleston Police Department for installation on two recently purchased evidence collection vehicles. To be charged to Account No. 045-976-04-001-4-459, Homeland Security Grant/Cities—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.

15. Your Committee on Finance has had under consideration a bid submitted by Terramite Corp., in the amount of \$24,560.28, for purchase of Tractor-Loader-Backhoe to be used in the Public Grounds Division. To be charged to Account No. 001-975-00-567-4-461, Public grounds-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.

16. Your Committee on Finance has had under consideration a bid submitted by General Truck Sales, in the amount of \$38,989, for purchase of a 1-ton, 4x4 Dump Truck to be used by the Public Grounds Division. To be charged to Account No. 001-975-00-567-4-461, Public grounds-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.

17. Your Committee on Finance has had under consideration the payment of an invoice from Lowe's, in the amount of \$12,603.16, for purchase of materials used for the World Changers Program. To be charged to Account No. 009-002-00-014-0-999, CDBG – Corp. Rehab, 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.

18. Your Committee on Finance has had under consideration the payment of an invoice from Royal Oldsmobile-Jeep, in the amount of \$6,166.17, for repairs made to Police Unit #118, damaged in an accident on May 26, 2004, at the corner of Sixth Avenue and Stockton Street. To be charged to Account No. 001-700-00-000-2-217, Police – Maintenance & Repair, Auto/Truck, 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.

19. Your Committee on Finance has had under consideration the payment of an invoice Bowles, Rice, McDavid, Graff & Love, LLP, in the amount of \$3,834.13, for professional services rendered during the month of June 2004, relating to workers' compensation claims. To be charged to Account No. 001-417-00-000-2-223, Legal-Professional Services, and reports the same to council with the recommendation that the committee 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; July 2004.

### **NEW BILLS INTRODUCED**

Introduced by Councilman Bobby Reishman on August 16, 2004:

Bill No. 7095 - Amending and reenacting Chapter 2, Sections 461 and 471 of the City Code of the City of Charleston, 2003, as amended; all relating to contracts and purchasing.

Refer to Finance Committee.

### **UNFINISHED OR MISCELLANEOUS BUSINESS**

NONE.

## **ROLL CALL**

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

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

ABSENT: Davis, Ealy, Hall, Reishman.

At 8:00 p.m., on motion of Councilman Loeb, Council adjourned until Tuesday, September 7, 2004, at 7:00 p.m.

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Danny Jones, Honorable Mayor

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James M. Reishman, City Clerk