

JOURNAL
OF THE
COUNCIL
CITY OF CHARLESTON
WEST VIRGINIA

FEBRUARY 17, 2004

THE COUNCIL MET IN CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE SECOND MEETING IN THE MONTH OF FEBRUARY ON THE 17th 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 ED TALKINGTON .

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

CHESTNUT	CLOWSER	
DAVIS		HALL
HANNA	HARRIS	HARRISON
HIGGINS	JONES	LANE
LANHAM	LOEB	MORTON
MILLER	MONROE	MARKHAM
NIELSEN	REED	REISHMAN
TALKINGTON	SADD	
WARE	WEINTRAUB	WHITE
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.

FEBRUARY 17, 2004, SECOND MEETING

CHARLESTON CITY COUNCIL JOURNAL FEBRUARY 17, 2004

PUBLIC SPEAKERS

1. Susie Salisbury, Charleston WV.

CLAIMS

1. A claim of Wayne Nelson, 262 Denton St., Charleston, WV; alleges damage to vehicle;
Refer to City Solicitor.
2. A claim of John A. Damous, 5405 Kanawha Ave. SE., Charleston, WV; alleges damage to
vehicle;
Refer to City Solicitor.

PROCLAMATIONS

ONE

COMMUNICATIONS

Honorable Danny Jones
And Members of City Council
Charleston, WV. 25301

Dear Mayor Jones and Councilmember's:

On February 4, 2004, the Municipal Planning Commission held public hearings and its regular monthly meeting. The following case was heard by the Commission:

Bill No. 7033 – Petition of Ian Enterprises, LLC, requesting a Bill to rezone the property located at 2331-2339 Chesterfield Avenue (Kanawha City Tax Map 20, Parcels 86, 88, 90, 91, and 92) from R-6 Medium Density Multi-family Residential District to R-O Residential Office District.

Special Permit #1138 – Application of Marilyn Caldwell requesting a Special Permit to operate a Bar/Nightclub serving alcoholic beverages in an Urban Renewal District accessory to the business located at 1604 Washington Street, East.

These cases should be referred to the Planning Committee of Council.

Sincerely,
Municipal Planning Commission

Phyllis White, Administrative Assistant

The Mayor referred the Cases to the Planning Committee of Council.

MISCELLANEOUS RESOLUTIONS

Resolution No. 457-04

Introduced in Council

February 17, 2004

Introduced by:

Referred to

Mary Jean Davis
Cheryle Hall

Planning Committee

Resolution No. 457-04 --“Applying to the County Commission of Kanawha County, West Virginia, to annex certain territory being apart of the Elvin Pauley 23.47 acre tract situate on the waters of the Long Branch of the Middle Fork Davis Creek, Loudon District, Kanawha County, West Virginia, and more commonly known as Lot P, Tract 5 of Phase II of the Southridge Center Business Park generally consisting of 10.78 acres, m/l, by minor boundary adjustment.”

WHEREAS, the property owner of the above generally described property has expressed an interest in being annexed by the City of Charleston; and

WHEREAS, the subject property is contiguous to the City of Charleston’s corporation line; therefore, this annexation would constitute an orderly expansion of the City of Charleston’s corporation limits; and

WHEREAS, Chapter 8, Article 6, Section 5 of the Code of West Virginia, one thousand nine hundred thirty-one, as amended, provides for annexation by West Virginia municipalities by minor boundary adjustment upon petition of such municipality to the county commission of the county in which the municipality is situate; now therefore, be it

RESOLVED BY THE COUNCIL OF THE CITY OF CHARLESTON, WEST VIRIGINIA:

That the Council of the City of Charleston, Kanawha County, West Virginia, hereby approves the petitioning of the County Commission of Kanawha County, West Virginia, to make a minor boundary adjustment with reference to the 10.78 acres, m/l, of the Elvin Pauley tract situate on the waters of the Long Branch of the Middle Fork Davis Creek, Loudon District, Kanawha County, West Virginia, and more commonly known as Lot P, Tract 5 of Phase II of the

Southridge Center Business Park, a detailed description of the subject property will be contained in said petition to the County Commission; and be it

FURTHER RESOLVED, that the Clerk of the City of Charleston is hereby authorized and directed to forthwith file the same with said County Commission for the appropriate action.

The Mayor referred Resolution No. 457-04 to the Planning Committee of Council.

Resolution No. 681-04

Introduced in Council

February 17, 2004

Introduced by:

Marc Weintraub

Whereas the Charleston City Council has placed affordable housing as an priority for the City of Charleston in order to maintain and grow our population; and

Whereas, the West Virginia Housing Trust Fund will submit to the West Virginia Legislature, a Bill that will fund the Trust Fund with a real estate transfer fee and a fee on the issuance of a certificate of title for mobile homes subject to property tax:

NOW THEREFORE, BE IT RESOLVED that the Charleston City Council hereby urges the West Virginia Legislature to pass this Bill.

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.

Resolution No. 682-04

Introduced in Council:

February 17, 2004

Introduced By:

Marc Weintraub

Passed by Council

WHEREAS, the West Virginia State Planning Enabling Legislation, WV Code Chapter 8 Article 24, was enacted in 1957 and has not been updated to reflect more modern and innovative land use and development planning practices;

WHEREAS, the current State planning law does not incorporate innovative tools designed to encourage regional planning initiatives; address design standards; promote the redevelopment of underutilized land; and preserve unique community characteristics like open spaces, historic resources, rural landscapes, neighborhoods, and central business districts;

WHEREAS, the current State planning law provides insufficient guidance to municipalities and counties whose citizens want to engage in preparing comprehensive plans and developing local land use regulations and development standards;

WHEREAS, the current State planning law provides insufficient guidance to municipalities and counties on the process of comprehensive planning, plan adoption, and regulation enactment;

WHEREAS, the vague language of the current State planning law has left municipalities and counties across West Virginia exposed to costly lawsuit challenges and the uncertainty of complicated judicial interpretations;

WHEREAS, the current State planning law leaves West Virginia communities at a competitive disadvantage in terms of envisioning their future, planning for adequate infrastructure needs, and protecting local economic viability;

WHEREAS, with a group of stakeholders from across the State have collaborated over the last several years to introduce a Bill that will significantly overhaul and modernize the State Planning Enabling Legislation to, among many things:

- Incorporate innovative planning tools that will allow municipalities and counties greater flexibility when developing strategies to protect the health, safety, and welfare of its citizenry and plan for future infrastructure needs.
- Incorporate PERMISSIVE changes so that municipalities, counties, and citizens can develop policies, practices, and regulations that best meet the diverse challenges they face.
- Expand the content of local comprehensive plans and provide greater guidance on the function of a comprehensive plan and its adoption process.

NOW, THEREFORE BE IT RESOLVED, this 17th day of February, 2004 by the Charleston City Council to communicate these deficiencies to our local Legislative Delegation and strongly encourage our Legislators to support Senate Bill 454.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 682-04, adopted.

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. 469-04, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 469-04 – “Authorizing the Finance Director to make revisions to the 2003-2004 Parking System 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 Parking System 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 has 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: Chestnut, Clowser, Davis, Hall, Hanna, Harris, Harrison, Higgins, Jones, Lanham, Lane, Loeb, Markham, Miller, Monroe, Morton, Nielsen, Reishman, Reed, Sadd, Talkington, Ware, Weintraub, White, Mayor Jones.

NAYS:

ABSENT: Foster, Deitzler, Robertson.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 469-04, adopted.

2. Your Committee on Finance has had under consideration Resolution No. 470-04, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 470-04 – “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 has 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: Chestnut, Clowser, Davis, Hall, Hanna, Harris, Harrison, Higgins, Jones, Lanham, Lane, Loeb, Markham, Miller, Monroe, Morton, Nielsen, Reishman, Reed, Sadd, Talkington, Ware, Weintraub, White, Mayor Jones.

NAYS:

ABSENT: Foster, Deitzler, Robertson.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 470-04, adopted.

3. Your Committee on Finance has had under consideration Resolution No. 472-04, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 472-04 – “Authorizing the Mayor to sign the grant application for the Land and Water Conservation Funds for the Charleston Gateway Greenspace project in the amount of \$100,000.”

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

That the Mayor is hereby authorized and directed to sign the grant application for the Land and Water Conservation Fund for the Charleston Gateway Greenspace Project in the amount of One Hundred Thousand Dollars (\$100,000).

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

NAYS:

ABSENT: Foster, Deitzler, Robertson.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 472-04, adopted.

4. Your Committee on Finance has had under consideration Resolution No. 473-04, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 473-04 – “Authorizing the Finance Director to amend the 2001, 2002, 2003 Community Development Block Grants 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 MOECD Citizen Participation Plan.”

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

That the Finance Director is hereby authorized and directed to amend the 2001, 2002, 2003 Community Development Block Grants 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 MOECD Citizen Participation Plan.

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

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

NAYS:

ABSENT: Foster, Deitzler, Robertson.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 473-04, adopted.

5. Your Committee on Finance has had under consideration Resolution No. 474-04, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 474-04 – “Authorizing the Mayor to enter into an agreement with the Charleston Housing Authority wherein CHA will contribute \$134,430 towards the repair of the storm water culvert which runs alongside South Park Road and the Village Housing Project. The City will accept an easement over and under the portion of this property on which the culvert lies and which is owned by CHA.”

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 Charleston Housing Authority wherein CHA will contribute One Hundred Thirty-four Thousand Four Hundred Thirty Dollars \$134,430 towards the repair of the storm water culvert which runs alongside South Park Road and the Village Housing Project. The City will accept an easement over and under the portion of this property on which the culvert lies and which is owned by CHA.

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

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

NAYS:

ABSENT: Foster, Deitzler, Robertson, Sadd.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 474-04, adopted.

6. Your Committee on Finance has had under consideration Bill No. 7039, and reports the same to Council with the recommendation that the committee report be adopted.

Bill No. 7039, Authorizing and directing the Mayor on behalf of the City of Charleston to accept a deed of easement from the Housing Authority of the City of Charleston for use of a portion of its property abutting South Park Road over which a storm water culvert lays.

Be it Ordained by the Council of the City of Charleston, West Virginia: That the Council for the City of Charleston hereby authorizes and directs the Mayor to accept a deed of easement for use of a portion of its property abutting South Park Road over which a storm water culvert lays.

The property being described as follows:

Beginning at a point in the southerly right-of-way line of South Park Road, said point being the common corner of Charleston Housing Authority and Union Mission; thence running with the common line of said properties S 38 degrees 11' 18" E, 7.51 ft. to a point on forementioned line; thence running 38 degrees 51; 07" E, 457.98 ft. to a point; thence N 34 degrees 19' 22" E, 255.68 ft. to a point; thence N 72 degrees 00' 38" E, 18.33 ft. to a point; thence N55 degrees 40' 38" W' 21.23 ft. to a point in the R/W line; thence running along aforesaid R/W line to the point of beginning containing .09 acres more or less and shown upon a map attached hereto and made a part thereof.

This ordinance will become in a effect immediately upon passage. The accepting of this easement will not be read twice because it is public emergency, pursuant to W.Va Code Section 8-11-5 (d) to immediately accept this easement to begin repairs to the culvert at issue and would be dangerous to the public health to wait the time period.

Councilman Reishman moved to have the Bill adopted without having the second reading due to a public emergency, a vote was taken, there being no dissent the Mayor declared the second reading of the Bill waved.

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, Davis, Hall, Hanna, Harris, Harrison, Higgins, Jones, Lanham, Lane, Loeb, Markham, Miller, Monroe, Morton, Nielsen, Reishman, Reed, Talkington, Ware, Weintraub, White, Mayor Jones.

NAYS:

ABSENT: Foster, Deitzler, Robertson, Sadd.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7039, passed.

7. Your Committee on Finance has had under consideration Resolution No. 475-04, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 475-04 – “Authorization the Mayor to enter into a contract with Mountaineer Contractors, Inc., in the amount of \$355,310, for the South park Road storm sewer improvement 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 a contract with Mountaineer Contractors, Inc., in the amount of Three Hundred Fifty-five Thousand Three Hundred Ten Dollars (\$355,310), for the South park Road storm sewer improvement project.

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

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

NAYS:

ABSENT: Foster, Deitzler, Robertson, Sadd.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 475-04, adopted.

8. Your Committee on Finance has had under consideration Resolution No. 476-04, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 476-04 – “Authorizing the Mayor to enter into a contract, on an emergency basis, with B.B.R. Drilling Company, in the amount of approximately \$45,290, for the construction of a piling wall at the Spring Hill Cemetery, Site 5.”

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, on an emergency basis, with B.B.R. Drilling Company, in the amount of approximately Forty-five Thousand Two Hundred Ninety Dollars (\$45,290), for the construction of a piling wall at the Spring Hill Cemetery, Site 5.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 476-04, adopted.

9. Your Committee on Finance has had under consideration Resolution No. 477-04, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 477-04 – “Authorizing the Mayor to enter in to a contract with Asbestos Testing, Inc., for Asbestos Inspections and Sample Testing Services of structures slated for demolition by the Building Commission Office.”

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

That the Mayor is hereby authorized and directed to enter in to a contract with Asbestos Testing, Inc., for Asbestos Inspections and Sample Testing Services of structures slated for demolition by the Building Commission Office, in the amounts listed below:

Per Structure	\$ 150.00
Per Bulk Sample	\$ 0.00
Per Sample (PLM)	\$ 5.00
Gravimetric Reduction Sample	\$ 40.00

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 477-04, adopted.

10. Your Committee on Finance has had under consideration Resolution No. 478-04, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 478-04 – “Authorizing the Mayor to enter in to a contract with Asbestos Testing, Inc., for Asbestos abatement of substandard structures slated for demolition by the Building Commission Office, at a rate of \$2.54 per square foot, for the period April 1, 2004 to March 31, 2005.”

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

That the Mayor is hereby authorized and directed to enter in to a contract with Asbestos Testing, Inc., for Asbestos abatement of substandard structures slated for demolition by the Building Commission Office, at a rate of Two Dollars and Fifty-four Cents (\$2.54) per square foot, for the period April 1, 2004 to March 31, 2005.”

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, Davis, Hall, Hanna, Harris, Harrison, Higgins, Jones, Lanham, Lane, Loeb, Markham, Miller, Monroe, Morton, Nielsen, Reishman, Reed, Talkington, Ware, Weintraub, White, Mayor Jones.

NAYS:

ABSENT: Foster, Deitzler, Robertson, Sadd.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 478-04, adopted.

11. Your Committee on Finance has had under consideration Resolution No. 479-04, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 479-04 – “Authorizing the Mayor to enter in to a contract with West Virginia Demolition, Inc., for Demolition of substandard structures located throughout the City at a rate of \$2.69 per square foot, for the period April 1, 2004 to March 31, 2005.”

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

That the Mayor is hereby authorized and directed to enter in to a contract with West Virginia Demolition, Inc., for Demolition of substandard structures located throughout the City at a rate of Two Dollars and Sixty-nine cents (\$2.69) per square foot, for the period April 1, 2004 to March 31, 2005.

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, Davis, Hall, Hanna, Harris, Harrison, Higgins, Jones, Lanham, Lane, Loeb, Markham, Miller, Monroe, Morton, Nielsen, Reishman, Reed, Talkington, Ware, Weintraub, White, Mayor Jones.

NAYS:

ABSENT: Foster, Deitzler, Robertson, Sadd.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 479-04, adopted.

12. Your Committee on Finance has had under consideration Resolution No. 480-04, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 480-04 – “Authorizing the Mayor to enter in to a Memorandum of Understanding with eight (8) other participating agencies comprising the Metro Drug Enforcement Network Team (MDENT) that work with the Charleston area offices of the Drug Enforcement Administration, the Federal Bureau of Investigations and the Bureau of Alcohol, Tobacco, and Firearms to achieve maximum cooperation in combined law enforcement efforts to address drug and violent crime related offenses in and around the Charleston Area.”

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

That the Mayor is hereby authorized and directed to enter in to a Memorandum of Understanding with eight (8) other participating agencies comprising the Metro Drug Enforcement Network Team (MDENT) that work with the Charleston area offices of the Drug Enforcement Administration, the Federal Bureau of Investigations and the Bureau of Alcohol, Tobacco, and

Firearms to achieve maximum cooperation in combined law enforcement efforts to address drug and violent crime related offenses in and around the Charleston Area.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 480-04, adopted.

13. Your Committee on Finance has had under consideration Resolution No. 483-04, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 483-04 – “Authorizing the Mayor to accept a Highway Safety Grant in the amount of \$67,826, from the West Virginia Department of Transportation, Division of Motor Vehicles, for the continuance of the South Central Highway Safe Community Program.”

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

That the Mayor is hereby authorized and directed to accept a Highway Safety Grant in the amount of Sixty-seven Thousand Eight Hundred Twenty-six Dollars (\$67,826), from the West Virginia Department of Transportation, Division of Motor Vehicles, for the continuance of the South Central Highway Safe Community Program.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 483-04, adopted.

14. Your Committee on Finance has had under consideration Resolution No. 484-04, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 484-04 – “Authorizing the Mayor to accept a Highway Safety Grant in the amount of \$13,655, from the West Virginia Department of Transportation, Division of Motor Vehicles, for the continuance of the West Virginia Child Passenger Safety Program.”

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

That the Mayor is hereby authorized and directed to accept a Highway Safety Grant in the amount of Thirteen Thousand Six Hundred Fifty-five Dollars (\$13,655), from the West Virginia Department of Transportation, Division of Motor Vehicles, for the continuance of the West Virginia Child Passenger Safety Program.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 484-04, adopted.

15. Your Committee on Finance has had under consideration Resolution No. 485-04, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 485-04 – “Authorizing the Mayor to enter in to an agreement with Pretera Center for Mental Health Services, Inc., providing terms and conditions for vacating the leased

office space currently occupied by Pretera at 603 Morris Street, as it related to the sale and purchase of said property from Morris Square Associates, LLC., by the City of Charleston for the construction of a new ballpark, and to accept funds in the amount of \$15,000 for termination of lease at the Morris Square location.”

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

That the Mayor is hereby authorized and directed to enter in to an agreement with Pretera Center for Mental Health Services, Inc., providing terms and conditions for vacating the leased office space currently occupied by Pretera at 603 Morris Street, as it related to the sale and purchase of said property from Morris Square Associates, LLC., by the City of Charleston for the construction of a new ballpark, and to accept funds in the amount of Fifteen Thousand Dollars (\$15,000) for termination of lease at the Morris Square location.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 485-04, adopted.

16. Your Committee on Finance has had under consideration Resolution No. 486-04, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 486-04 – “Authorizing the Mayor to enter into a Memorandum of Agreement with the Historic Preservation Office of West Virginia Division of Culture, regarding historical and archaeological clearances for 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 a Memorandum of Agreement with the Historic Preservation Office of West Virginia Division of Culture, regarding historical and archaeological clearances for the new ballpark.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 486-04, adopted.

17. Your Committee on Finance has had under consideration a bid submitted by J&J Emergency Vehicle Sales, in the amount of \$78,500, for purchase of an ambulance to be used by the Charleston Fire Department. To be charged to Account No. 001-976-00-706-4-461, Fire –Capital Outlay, Lease/Purchase, and reports the same to Council with the recommendation that the committee be adopted.

The question being on the adoption of the committee report a vote was taken. There being no dissent the Mayor declared the committee report adopted

18. Your Committee on Finance has had under consideration a proposal submitted by Gregory Industries, in the amount of \$6,902.50, for purchase of guardrail sections and related materials to be stockpiled in the Street Department for various projects throughout the City. To be charged to

Account No. 001-750-00-000-3-341, St. – Materials and Supplies, and reports the same to Council with the recommendation that the committee be adopted.

The question being on the adoption of the committee report a vote was taken. There being no dissent the Mayor declared the committee report adopted

19. Your Committee on Finance has had under consideration a proposal submitted by Robert S. Kimball Associates, Inc., in the amount of \$5,890, for purchase of two (2) streetlight poles and fixtures for the East End Streetscape area. One pole will replace a knockdown in the 1500 Block of Washington Street, East, and the other one will be placed in stock. To be charged to Account No. 001-712-00-000-3-341, Traffic Engineering – Materials and supplies, and reports the same to Council with the recommendation that the committee be adopted.

The question being on the adoption of the committee report a vote was taken. There being no dissent the Mayor declared the committee report adopted

20. Your Committee on Finance has had under consideration a Proposal submitted by General Truck Sales, in the amount of \$19,650, for a 2003 GMC, 4x4 pickup truck to be used by the Engineering Department. To be charged to Account No. 001-975-00-420-4-461, Engineering – Capital Outlay, Lease/Purchase, and reports the same to Council with the recommendation that the committee be adopted.

The question being on the adoption of the committee report a vote was taken. There being no dissent the Mayor declared the committee report adopted

21. Your Committee on Finance has had under consideration a proposal submitted by Stephens Auto Center, in the amount of \$16,138, for a 2004 Jeep Liberty to be used by the Building Commission. To be charged to Account No. 001-975-00-436-4-461, Bldg. Commission – Capital Outlay, Lease/Purchase, and reports the same to Council with the recommendation that the committee be adopted.

The question being on the adoption of the committee report a vote was taken. There being no dissent the Mayor declared the committee report adopted

22. Your Committee on Finance has had under consideration a payment of an invoice from New Covenant Community Development, Inc., in the amount of \$4,054.72, for reimbursement of costs for the Building Healthy Communities Program. To be charged to Account No. 009-003-00-011-0-999, CDBG –Public Services.

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

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

NAYS:

ABSENT: Foster, Deitzler, Robertson Sadd.

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

23. Your Committee on Finance has had under consideration a payment of an invoice from Daniels Law Firm, PLLC, in the amount of \$3,501.50, for professional services rendered during the months of December 2003 and January 2004, relating to the new ball park. To be charged to Account No. 253-975-00-417-2-223, Legal Department- Professional Services (Ballpark), 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

REPORTS OF OFFICERS

1. Report of the City of Charleston, Municipal Court Financial Statements; January, 2004.
Received and Filed.

2. Report of the City of Charleston Payroll Variance Analysis; January 2004;
Received and Filed.

3. Report of the City of Charleston Financial Statements for the Seven-Month period ended January 31, 2004.
Received and Filed.

4. City Treasurer's Report to City Council Month Ending January, 2004;
Received and Filed.

NEW BILLS INTRODUCED

NONE

UNFINISHED OR MISCELLANEOUS BUSINESS

NONE.

ROLL CALL

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

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

ABSENT: Foster, Deitzler, Robertson, Sadd.

At 7:50 p.m., on motion of Councilman Loeb, Council adjourned until Monday, March 1, 2004, at 7:00 p.m.

Danny Jones, Honorable Mayor

James M. Reishman, City Clerk