

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

**WEST VIRGINIA**

**JANUARY 5, 2004**

**THE COUNCIL MET IN CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE FIRST MEETING IN THE MONTH OF JANUARY ON THE 5<sup>th</sup> 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 BY TOM LANE, AND THE PLEDGE OF ALLEGIANCE WAS LEAD BY JERRY WARE.**

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

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

**TWENTY-SIX 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.**

**JANUARY 5, 2004, FIRST MEETING**

**CHARLESTON CITY COUNCIL JOURNAL JANUARY 5, 2004**

**PUBLIC SPEAKERS**

1. James Straughter, Charleston WV.

**CLAIMS**

1. A claim of Lisa Porter, 3700 West Washington St., Charleston, WV; alleges damage to property;  
Refer to City Solicitor.
2. A claim of Ruby Bailey, 610 Grant St., Charleston, WV; alleges damage to property;  
Refer to City Solicitor.

**COMMUNICATIONS**

*The Clerk read the following Appointments:*

**TO: JAMES REISHMAN  
CITY CLERK**

**FROM: DANNY JONES  
MAYOR**

**RE: KANAWHA REGIONAL TRANSPORTATION AUTHORITY**

**DATE: JANUARY 5, 2004**

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I am recommending that Howard Quick, 931 Woodhaven Drive, Charleston 25312, be appointed to the Kanawha Regional Transportation Authority, with a said term to expire July 1, 2006. He will be replacing Raymond Joseph.

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

DJ/ads

Council approved the appointment.

**TO: JAMES REISHMAN  
CITY CLERK**

**FROM: DANNY JONES  
MAYOR**

**RE: MUNICIPAL PLANNING COMMISSION**

**DATE: JANUARY 5, 2004**

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I am recommending that Jackie Rosencrance, 3901 Kanawha Avenue, Charleston 25305 be appointed to the Municipal Planning Commission, with a said term to expire July 1, 2006. She will be replacing Betty Wampler.

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

DJ/ads

Council approved the appointment.

**TO: JAMES REISHMAN  
CITY CLERK**

**FROM: DANNY JONES  
MAYOR**

**RE: MUNICIPAL PLANNING COMMISSION**

**DATE: JANUARY 5, 2004**

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I am recommending that Braxton Broady, 1503 3<sup>rd</sup> Avenue, Charleston 25312 be appointed to the Municipal Planning Commission, with a said term to expire July 1, 2006. He will be replacing David Molgaard.

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

DJ/ads

Council approved the appointment.

**TO: JAMES REISHMAN  
CITY CLERK**

**FROM: DANNY JONES  
MAYOR**

**RE: KANAWHA VALLEY REGIONAL TRANSPORTATION AUTHORITY**

**DATE: JANUARY 5, 2004**

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I am recommending that Jewell Bailey, 29 Pinnacle Drive, Charleston 25311, be reappointed the Kanawha Valley Regional Transportation Authority, with a said term to expire December 31, 2006.

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

DJ/ads

Council approved the appointment.

**TO: JAMES REISHMAN  
CITY CLERK**

**FROM: DANNY JONES  
MAYOR**

**RE: KANAWHA VALLEY REGIONAL TRANSPORTATION AUTHORITY**

**DATE: JANUARY 5, 2004**

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I am recommending that Joe Koval, 1303 Gilbert Drive, Charleston 25302, be reappointed the Kanawha Valley Regional Transportation Authority, with a said term to expire December 31, 2006.

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

DJ/ads

Council approved the appointment.

**TO: JAMES REISHMAN  
CITY CLERK**

**FROM: DANNY JONES  
MAYOR**

**RE: BOARD OF ZONING APPEALS**

**DATE: JANUARY 5, 2004**

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I am recommending that Thomas Moorman, 914 Kanawha Blvd. West, Charleston WV, 25302, be reappointed to the Board of Zoning Appeals, with said term to expire January 1, 2007.

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

DJ/ads

Council approved the appointment.

**TO: JAMES REISHMAN  
CITY CLERK**

**FROM: DANNY JONES  
MAYOR**

**RE: BOARD OF ZONING APPEALS**

**DATE: JANUARY 5, 2004**

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I am recommending that Stephen Mallory, 400 Mountain View, Charleston WV. 25314, be reappointed to the Board of Zoning Appeals, with said term to expire January 1, 2007.

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

DJ/ads

Council approved the appointment.

## MISCELLANEOUS RESOLUTIONS

NONE.

### *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. 441-04, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 441-04, "Authorizing the Mayor to sign an application for a Hazard Mitigation Grant through the State Office of Emergency Services to purchase residential property located in flood prone areas for the purpose of demolishing the structures and restricting the use of said property to be only compatible with flood prone property."

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

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

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 441-04, adopted.

2. Your Committee on Finance has had under consideration Resolution No. 442-04, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 442-04, "Authorizing the Mayor to enter into an agreement with the Board of Publication of the Methodist Church Inc. (Cokesbury Bookstore) for 2,885 square feet of space, more or less, in Municipal Parking Building No. 2, located at Washington and Summers Streets, for a five – year period starting on January 1, 2004, and ending on December 31, 2008, at the

rate of \$23,617.50 for the first year.”

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 Publication of the Methodist Church Inc. (Cokesbury Bookstore) for 2,885 square feet of space, more or less, in Municipal Parking Building No. 2, located at Washington and Summers Streets, for a five – year period starting on January 1, 2004, and ending on December 31, 2008, at the rate of \$23,617.50 for the first year thereafter as follows:

2005	\$25,059.00
2006	\$25,501.50
2007	\$26,944.00
2008	\$28,386.50

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 442-04, adopted.

3. Your Committee on Finance has had under consideration Resolution No.443-03, and reports the same to Council with the recommendation that the Committee report be adopted.

Resolution No. 443-04, “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 the budget 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 the re were; yeas-26, nays-0, absent-2, as follows:

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

NAYS:

ABSENT: Foster, Markham

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 443-04, adopted.

4. Your Committee on Finance has had under consideration Resolution No. 444-04, and reports the same to Council with the recommendation that the Committee report be adopted.

Resolution No. 444-04, “Authorizing the Mayor to enter into an agreement with Capitol Business Interiors, in the amount of \$7,495, for purchase of office furnishings for the City Clerk’s Office.”

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 Capitol Business Interiors, in the amount of Seven Thousand Four Hundred Ninety-five Dollars (\$7,495), for purchase of office furnishings for the City Clerk’s Office.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 444-04, adopted.

5. Your Committee on Finance has had under consideration Resolution No. 445-04, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 445-04, “Authorizing the award of grant funds in the amount of \$9,500 from the West Virginia Governor’s Highway Safety Office for the Click it or Ticket Program. The funds will be use for further participation by the Police Department to promote highway safety enforcement and awareness efforts.”

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

That the Award of grant funds in the amount of Nine Thousand Five Hundred Dollars (\$9,500) from the West Virginia Governor’s Highway Safety Office for the Click it or Ticket Program is hereby accepted. The funds will be use for further participation by the Police Department to promote highway safety enforcement and awareness efforts.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 445-04, adopted.

6. Your Committee on Finance has had under consideration Resolutio n No. 446-04, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 446-04, “Authorizing the Mayor to enter into an Agreement with AMEC/Potesta, in the amount of \$70,670, for engineering and related services for Phase I and Phase II of the Storm water Management Plan.”

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 AMEC/Potesta, in the amount of Seventy Thousand Six Hundred Seventy Dollars (\$70,670), for engineering and related services for Phase I and Phase II of the Storm water Management Plan.”

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 446-04, adopted.

7. Your Committee on Finance has had under consideration Resolution No. 447-04, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 447-04, “Authorizing the Mayor to submit a grant application to the West Virginia Department of Transportation, Division of Highways, Transportation Enhancement Program, in the amount of \$1.75 Million for the Kanawha Trestle/Florida Streetscape Project, with the City contributing 20% in matching funds. The City’s 20% match will be in-kind support from the value of land and/or trestle to be conveyed to the City of Charleston by CSX. Such conveyance and the terms thereof to be considered separately by ordinance.”

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

That the Mayor is hereby authorized and directed to submit a grant application to the West Virginia Department of Transportation, Division of Highways, Transportation Enhancement Program, in the amount of \$1.75 Million for the Kanawha Trestle/Florida Streetscape Project, with the City contributing 20% in matching funds. The City’s 20% match will be in-kind support from the value of land and/or trestle to be conveyed to the City of Charleston by CSX. Such conveyance and the terms thereof to be considered separately by ordinance.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 447-04, adopted.

8. Your Committee on Finance has had under consideration Resolution No. 448-04, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 448-04, “Authorizing the Mayor to submit a grant application to American Outfitters Foundation in the amount of \$8,000 for the proposed Skate Park to be located behind the Martin Luther King, Jr. Community Center on Donnally Street.”

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

That the Mayor is hereby authorized and directed to submit a grant application to American Outfitters Foundation in the amount of Eight Thousand Dollars (\$8,000) for the proposed Skate Park to be located behind the Martin Luther King, Jr. Community Center on Donnally Street.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 448-04, adopted.

9. Your Committee on Finance has had under consideration Resolution No. 449-04, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 449-04, “Authorizing the Mayor to enter into a contract with Andropogon Associates, Ltd., in the amount of \$117,000, for the Gateway Green space Site Development and Landscape Design 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 Andropogon Associates, Ltd., in the amount of One Hundred Seventeen Thousand Dollars (\$117,000), for the Gateway Green space Site Development and Landscape Design Project. The scope of services will include design development, construction documentation, bidding and negotiations, and construction review.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-26, nays-0, absent-2, as follows:

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

NAYS:

ABSENT: Foster, Markham

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 449-04, adopted.

10. Your Committee on Finance has had under consideration Resolution No. 450-04, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 450-04, “Authorizing the Mayor to enter into a contract with American Star Specialty Coatings Co., in the amount of \$19,950, for roof replacement on the building currently occupied by the MDENT Unit of the Police Department.”

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 American Star Specialty Coatings Co., in the amount of Nineteen Thousand Nine Hundred Fifty Dollars (\$19,950), for roof replacement on the building currently occupied by the MDENT Unit of the Police Department.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 450-04, adopted.

11. Your Committee on Finance has had under consideration a proposal submitted by Country Club Chrysler, in the amount of \$48, 744, for purchase of two (2) Dodge Durango SLT vehicles

to be used by the 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

12. Your Committee on Finance has had under consideration a Payment of an invoice from Visionair, Inc., in the amount of \$10,000, for the development of LiveScan interface program that will allow the Police Department's automated fingerprint integration system (AFIS) to exchange information with records information system. To be charged to the following accounts: \$7,500 - 095-178-98-000-0-341, Police Grant; \$2,500 – 043-299-00-000-3-341, Police Forfeiture, 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

13. Your Committee on Finance has had under consideration a Payment of an invoice from Primedia Workplace Learning, in the amount of \$26,000, for presentation of Calibre Press' Street Survival Skills Seminar on December 1 to December 3, 2003. To be charged to Account No. 095-164-03-000-0-214, Police – WV LETC Grant, and reports the same to Council with the recommendation that the committee be adopted.

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

14. Your Committee on Finance has had under consideration a Payment of an invoice from MWR Services, Inc., representing WV Army National Guard at Camp Dawson, WV, in the amount of \$5,436, covering lodging expenses for officers that were unable to commute to the training site during the Street Survival Skills Seminar from November 3, 2003 to December 2, 2003. To be charged to Account No. 095-164-03-000-0-214, Police – WV LETC Grant, and reports the same to Council with the recommendation that the committee be adopted.

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

15. Your Committee on Finance has had under consideration a Payment of an invoice from Triad Engineering, in the amount of \$7,750, for drilling and sampling, laboratory testing, engineering and report preparation, and surveying and mapping services at Spring Hill Cemetery. To be charged to Account No. 220-980-00-952-4-458, Spring Hill Cemetery – Capital Outlay, Major Improvements, 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

16. Your Committee on Finance has had under consideration a Payment of an invoice from Ann Green Communications, Inc., in the amount of \$5,000, for professional services rendered for two sessions of Complaint Training Workshops for City employees on December 8, 2003. To be charged to Account No. 001-422-00-000-2-221, Human Resources – Training, 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

17. Your Committee on Finance has had under consideration a Payment of an invoice from Daymark, Inc. /Patchwork, in the total amount of \$8,750.67, for reimbursement of staff salaries during the month of September 2003 (\$4,749.16); and October 2003 (\$4,001.51). To be charged to Account No. 009-003-00-011-0-999, CDBG – Public Services, and reports the same to Council with the recommendation that the committee be adopted.

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

18. Your Committee on Finance has had under consideration a Payment of an invoice from WV Health Right, Inc., in the amount of \$20,000, for reimbursement of costs for medical supplies. To be charged to Account No. 009-003-00-011-0-999, CDBG – Public Services, and reports the same to Council with the recommendation that the committee be adopted.

The question being on the adoption of the Committee Report a roll call was taken and there were; yeas-24, nays-0, absent-2, abstain-2, as follows:

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

NAYS:

ABSENT: Foster, Markham

ABSTAIN: Davis, Robertson.

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

19. Your Committee on Finance has had under consideration a Payment of an invoice from Taylor Sports and Recreation, in the amount of \$17,022, for playground equipment for the Salvation Army Boys and Girls Club. To be charged to Account No. 009-003-00-059-0-999, CDBG – P&R (Salvation Army Boys and Girls Club), and reports the same to Council with the recommendation that the committee be adopted.

The question being on the adoption of the Committee Report a roll call was taken and there were; yeas-25, nays-0, absent-2, abstain-1, as follows:

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

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

NAYS:

ABSENT: Foster, Markham

ABSTAIN: Deitzler.

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

20. Your Committee on Finance has had under consideration a Payment of an invoice from Farmer, Cline & Arnold, PLLC, in the amount of \$11,263.15, representing the City's share for professional services rendered in the case of State of WV, ex rel. Cities of Charleston and Huntington, et al. v. WV Economic Development Authority, Supreme Court Docket No. 31847. 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 be adopted.

The question being on the adoption of the Committee Report a roll call was taken and there were; yeas-25, nays-0, absent-2, abstain-1, as follows:

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

NAYS:

ABSENT: Foster, Markham

ABSTAIN: Chestnut.

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

## **REPORTS OF OFFICERS**

NONE.

## **NEW BILLS INTRODUCED**

Introduced by Councilman Tom Lane on January 5, 2004:

**Bill No. 7034**, A Bill amending and reenacting Section 118-141 of Division 4 of Article 3, of Chapter 118 of the Code of the City of Charleston, West Virginia, with respect to adoption of Rules and Regulations and increasing existing rates and charges for Sanitary Sewer Service.

**Refer to Finance Committee.**

Introduced by Councilman Bobby Reishman on January 5, 2004:

**Bill No. 7035**, A Bill authorizing the Mayor on behalf of the City of Charleston to exercise eminent domain and institute condemnation proceedings to acquire property described as an undivided one-seventh (1/7<sup>th</sup>) interest of Robert Kinney in a portion of the Morris Square Block, for the purpose of constructing and maintaining a baseball park and attendant facilities; and,

authorizing and directing the Mayor to execute all related documents on behalf of the City of Charleston.

**Refer to Finance Committee.**

Introduced by Councilman Bobby Reishman on January 5, 2004:

**Bill No. 7036**, A Bill Authorizing the Mayor on behalf of the City of Charleston to exercise an option to purchase real estate known as the “Kroger Company Properties” and the “Morris Square Block” from Morris Square Associates, LLC, for the purpose of constructing and operating a baseball park; and, authorizing the Mayor to grant a right of way easement in favor of Morris Square Associates, known as the “Charmco Right Of Way”; and, authorizing and directing the Mayor to execute all related documents on behalf of the City of Charleston.

**Refer to Finance Committee.**

### **UNFINISHED OR MISCELLANEOUS BUSINESS**

A presentation was given by Larry Roller from the Charleston Sanitary Board, on the 2004 rate increase proposal.

### **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, Miller, Monroe, Morton, Nielsen, Reishman, Reed, Robertson, Sadd, Talkington, Ware, Weintraub, White, Mayor Jones.

ABSENT: Foster, Markham.

At 8:30 p.m., on motion of Councilman Loeb, Council adjourned until January 20, 2004, at 7:00 p.m.

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Danny Jones, Honorable Mayor

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James M. Reishman, City Clerk