

JOURNAL
OF THE
COUNCIL
CITY OF CHARLESTON

WEST VIRGINIA

MARCH 15, 2004

THE COUNCIL MET IN CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE SECOND MEETING IN THE MONTH OF MARCH ON THE 15th 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 HARRY DEITZLER, AND THE PLEDGE OF ALLEGIANCE WAS LEAD BY JERRY WARE.

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

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

TWENTY-SEVEN MEMBERS BEING PRESENT, THE MAYOR DECLARED A QUORUM.

PENDING THE READING OF THE JOURNAL OF THE PREVIOUS MEETING, THE READING THEREOF WAS DISPENSED WITH AND THE SAME DULY APPROVED.

MARCH 15, 2004, SECOND MEETING

CHARLESTON CITY COUNCIL JOURNAL MARCH 15, 2004

PUBLIC SPEAKERS

NONE

The Mayor Announced the following:

ELECT NEW COUNCILMEMBER

“PURSUANT TO THE PROVISIONS OF SECTION 14 OF THE CHARTER OF THE CITY OF CHARLESTON, I NOW DECLARE THE FLOOR OPEN FOR NOMINATIONS TO FILL THE VACANCY OF THE UNEXPIRED TERM FOR WARD 4 COUNCILMEMBER.”

MOTION WAS MADE BY COUNCILMAN REISHMAN, AND SECOND BY TOM LANE, TO NOMINATE REVEREND JAMES EALY.

THE QUESTION BEING ON THE APPROVAL TO CLOSE THE NOMINATIONS,

ALL IN FAVOR VOTE “AYE”

ALL OPPOSED VOTE “NAY”

WITH NOMINATIONS BEING CLOSED, I DECLARE

James Ealy,

ELECTED BY ACCLAMATION TO THE VACANT UNEXPIRED TERM OF COUNCILMEMBER FOR THE 4TH WARD.

REVEREND JAMES EALY CAME FORWARD TO TAKE THE OATH OF OFFICE.

CLAIMS

1. A claim of Eric Blankenship, 4618 Lancaster Ave., Charleston, WV; alleges damage to vehicle;

Refer to City Solicitor.

2. A claim of Phyllis Gladwell, 1404 Sweetbrier Rd., Charleston, WV; alleges damage to property;

Refer to City Solicitor.

3. A claim of Janene Seacrist, 3822 Noyes Ave., Charleston, WV; alleges damage to property;

Refer to City Solicitor.

4. A claim of Alisa Spaulding, 618 Grant St., Apt. A, Charleston, WV; alleges damage to

vehicle;

Refer to City Solicitor.

5. A claim of Alice Bell, Rt. 7 Box 235, South Charleston, WV; alleges damage to vehicle;

Refer to City Solicitor.

6. A claim of Karl Burdke, 1511 MacCorkle Ave., Cabin Creek, WV; alleges damage to vehicle;

Refer to City Solicitor.

COMMUNICATIONS

The Clerk read the following Appointments:

**TO: JAMES REISHMAN
CITY CLERK**

**FROM: DANNY JONES
MAYOR**

RE: SPRINGHILL CEMETERY BOARD

DATE: FEBRUARY 2, 2004

I am reappointing Tom Tolliver, 702 Hall Street, Charleston, be appointed to the Spring hill Cemetery Board, with said term to expire April 6, 2010.

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

Council Approved the appointment.

The Clerk read the following communication:

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

Dear Mayor Jones and Councilmember's:

On March 3, 2004, the Municipal Planning Commission held its public hearings and its regular monthly meeting. The following cases were heard by the Commission:

Bill No 7027 – Petition of Richard Heath on behalf of Kanawha Manufacturing No. requesting a Bill to rezone the property located at 4825, 4827, and 4829 Washington Avenue, S.E. (Kanawha City Tax map 14, Parcel 90) from R-4 Single Family Residential District.

Special Permit 1140 – Application of Kanawha Valley Senior Services, Inc. requesting a Special Permit for a professional office in an R-10 High Density Multi Family Residential District accessory to the dwelling located at 2504 Kanawha Boulevard, East.

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

The Mayor referred the cases to the Planning Committee.

MISCELLANEOUS RESOLUTIONS

Resolution No. 504-04 : Authorizing the Mayor to enter into an “Automatic Aid Agreement” with the City of South Charleston providing for the fire departments of both Charleston and South Charleston to automatically be dispatched to and respond to all fires, automobile accidents and rescue calls (not including medical first responder calls) occurring in three geographic areas, said boundaries and terms are more specifically described in the attached agreement; and (due to its specific interaction with such automatic aid agreement) continuing an existing “Reciprocal Fire Protection Agreement” with the City of South Charleston, adopted by Charleston City Council on February 22, 1977, but automatically terminating the same in the event the attached “Automatic Aid Agreement” is terminated by either city. The purpose of this resolution is to further the continued cooperation between the City of Charleston and the City of South Charleston to better protect the lives and property of citizens in both cities, as well as for the efficiency, cost savings, and economies of scale which will result from both cities continuing to work harmoniously together.

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

That the Mayor is authorized and directed to enter into an “Automatic Aid Agreement” with the City of South Charleston providing for the fire departments of both Charleston and South Charleston to automatically be dispatched to and respond to all fires, automobile accidents and rescue calls (not including medical first responder calls) occurring in three geographic areas, said boundaries and terms are more specifically described in the attached agreement; and,

That the existing “Reciprocal Fire Protection Agreement” with the City of South Charleston, adopted by Charleston City Council on February 22, 1977, shall continue in force until further action of this council, except that the “Reciprocal Fire Protection Agreement” shall be automatically terminated in the event the attached “Automatic Aid Agreement” is terminated by either city.

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

This resolution will become effective immediately upon adoption by Council.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 504-04, adopted.

STREETS AND TRAFFIC

Councilman David Higgins, Chairman of the Council Committee on Streets and Traffic, submitted the following reports.

1. Bill No. 7018 - A Bill to establish a No Parking Anytime on Pavement Tow-Away on Vista Avenue from Garvin Avenue to a point 160 feet west of Garvin Avenue and amending the Traffic Control Map and Traffic Control File, established by the Code of the City of Charleston, West Virginia, one thousand nine hundred seventy-five, as amended, Traffic Law, Chapter thirty-one, Article three, to conform therewith.

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

Section 1. A No Parking Anytime On Pavement Tow-Away on Vista Avenue from Garvin Avenue to a point 160 feet west of Garvin Avenue is hereby established.

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

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

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

NAYS:

ABSENT: White

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7018, passed.

2. A Bill to establish a Vehicular Parking zone for the exclusive use of the physically disabled on the easterly side of Elizabeth Street from a point 30 feet north of Virginia Street to a point 74 feet north of Virginia Street to provide for the removal of vehicles illegally parked in these spaces, to incorporate the provisions of West Virginia code, Chapter 17C, Article 13, Section 6, and amending the Traffic Control File, established by the Code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Law, Chapter one hundred fourteen, Article five, to conform therewith.

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

a Vehicular Parking zone for the exclusive use of the physically disabled on the easterly side of Elizabeth Street from a point 30 feet north of Virginia Street to a point 74 feet north of Virginia Street is hereby established.

Section 2. In order for a physically disabled person to utilize the parking spaces provided in the preceding section the vehicle which they are driving or in which they are being transported must display the distinguishing insignia provided for in West Virginia Code, Chapter 17C, Article 13, Section 6.

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

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

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

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

NAYS:

ABSENT: White

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7041, passed.

3. Bill No. 7042 - A Bill to establish a No Parking Anytime On Pavement Tow-Away on McDavid Lane and amending the Traffic Control Map and Traffic Control File, established by the Code of the City of Charleston, West Virginia, two thousand three, as amended, Traffic Law, Chapter one hundred fourteen, Article five, to conform therewith.

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

Section 1. A No Parking Anytime On Pavement Tow-Away on McDavid Lane is hereby established.

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

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

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

NAYS:

ABSENT: White

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7042, passed.

FINANCE

Councilman Bobby Reishman, Chairman of the Council Committee on Finance, submitted the following reports.

1. Your Committee on Finance has had under consideration Resolution No. 494-04, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 494-04 – “Authorizing the Mayor to enter into an agreement with the West Virginia Department of Transportation, Division of Highways, with regard to the establishment and maintenance of traffic signal systems on MacCorkle Avenue at eleven intersections.”

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 West Virginia Department of Transportation, Division of Highways, with regard to the establishment and maintenance of traffic signal systems on MacCorkle Avenue at the following eleven intersections:

MacCorkle Avenue at:	31 st Street (CAMC)
	35 th Street
	36 th Street
	39 th Street
	42 nd Street
	46 th Street
	50 th Street
	53 rd Street
	57 th Street
	Kanawha Mall
	58 th Street

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 494-04, adopted.

2. Your Committee on Finance has had under consideration Resolution No. 495-04, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 495-04 – “Authorizing the Mayor to enter into a contract with B.B.R. Drilling Company, in the amount of \$138,334, for construction of two(2) retaining walls on Baker Lane.”

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 B.B.R. Drilling Company, in the amount of One Hundred Thirty-eight Thousand Three Hundred Thirty-three Dollars (\$138,334), for construction of two(2) retaining walls on Baker Lane.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 495-04, adopted.

3. Your Committee on Finance has had under consideration Resolution No. 496-04, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 496-04 – “Authorizing the Mayor to enter into a contract with West Virginia Paving, Inc., in the amount of \$31,732, for the resurfacing of four tennis courts at the Martin Luther King Community Center.”

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 West Virginia Paving, Inc., in the amount of Thirty-one Thousand Seven Hundred Thirty-two Dollars (\$31,732), for the resurfacing of four tennis courts at the Martin Luther King Community Center.

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

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

NAYS:

ABSENT: White

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 496-04, adopted.

4. Your Committee on Finance has had under consideration Resolution No. 497-04, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 497-04 – “Authorizing the Mayor to enter into a contract with Skilton Contracting, in the amount of \$4,938.94, for paving the basketball court at Vandalia Neighborhood Center.”

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 Skilton Contracting, in the amount of Four Thousand Nine Hundred Thirty-eight Dollars and Ninety-four Cents (\$4,938.94), for paving the basketball court at Vandalia Neighborhood Center.

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

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

NAYS:

ABSENT: White

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 497-04, adopted.

5. Your Committee on Finance has had under consideration Resolution No. 498-04, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 498-04 – “Authorizing the Mayor to enter into an agreement with Hall Signs, Inc., in the amount of \$8,636, for purchase of wayfinding sign blanks to provide for signage in strategic locations to direct residents and visitors to major public areas and places in the City and its environs, in conjunction with guidelines adopted under the Wayfinding Commission.”

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 Hall Signs, Inc., in the amount of Eight Thousand Six Hundred Thirty-six Dollars (\$8,636), for purchase of Wayfinding sign blanks to provide for signage in strategic locations to direct residents and visitors to major public areas and places in the City and its environs, in conjunction with guidelines adopted under the Wayfinding Commission.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 498-04, adopted.

6. Your Committee on Finance has had under consideration Resolution No. 499-04, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 499-04 – “Authorizing the Mayor to enter into a contract with O’Rourke Wrecking Company, in the total amount of \$644,000, for Demolition and Asbestos Abatement Services 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 a contract with O’Rourke Wrecking Company, in the total amount of Six Hundred Forty-four Dollars (\$644,000), for

Demolition and Asbestos Abatement Services at the new ballpark.

The question being on the adoption of the Resolution a vote was taken. There being dissent from Councilpersons Markham and Chestnut, the Mayor declared Resolution No. 499-04, adopted.

7. Your Committee on Finance has had under consideration Resolution No. 500-04, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 500-04 – “Authorizing the Mayor to enter into a contract with Chapman-Martin Excavation & Grading, Inc., in an amount not to exceed \$2,160,000, for the Mass Excavation Project 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 a contract with Chapman-Martin Excavation & Grading, Inc., in an amount not to exceed Two Million One Hundred Sixty Thousand Dollars (\$2,160,000), for the Mass Excavation Project at the new ballpark.

The question being on the adoption of the Resolution a vote was taken. There being dissent from Councilpersons Markham and Chestnut, the Mayor declared Resolution No. 500-04, adopted.

8. Your Committee on Finance has had under consideration Resolution No. 501-04, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 501-04 – “Authorizing the Mayor to enter into a contract between the City of Charleston, the University of Charleston, and the West Virginia Little League, District Three, with respect to the use of the baseball facility at Watt Powell Park and the Blackwell Athletic Field. The term of the contract commences from date of signing by respective parties and terminates on December 31, 2004.”

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 between the City of Charleston, the University of Charleston, and the West Virginia Little League, District Three, with respect to the use of the baseball facility at Watt Powell Park and the Blackwell Athletic Field. The term of the contract commences from date of signing by respective parties and terminates on December 31, 2004.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 501-04, adopted.

9. Your Committee on Finance has had under consideration Resolution No. 502-04, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 502-04 – “Authorizing the Mayor to sign a Certificate confirming that funds have

been provided in the City's 2004-2005 budget for its contribution to the Regional Intergovernmental Council (RIC), in the amount of \$21,118.67, representing the City's share of contributions received annually by RIC from local governmental agencies in Boone, Clay, Kanawha and Putnam (BCKP) counties. The contribution is subject to Council's approval of the 2004-2005 Municipal Budget."

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

That the Mayor is hereby authorized and directed to sign a Certificate confirming that funds have been provided in the City's 2004-2005 budget for its contribution to the Regional Intergovernmental Council (RIC), in the amount of \$21,118.67, representing the City's share of contributions received annually by RIC from local governmental agencies in Boone, Clay, Kanawha and Putnam (BCKP) counties.

The funding formula which determines each local government's contribution is based upon applying a percentage of each community's most current assessed valuation and 2000 population to the total regional assessed valuation and population. This method of computing individual local contributions is applied to the Ninety-two Thousand Three Dollars (\$92,003) amount needed by RIC to determine each member's contribution.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 502-04, adopted.

10. Your Committee on Finance has had under consideration Resolution No. 503-04, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 503-04 – "Authorizing the Mayor to sign the Ninth Amendment to the Lease Agreement with Real Estate Resources, Inc. for office space used by the Charleston Police Department at 110 Washington Street, West. This amendment will extend the lease or an additional six-month period from March 1, 2004 to August 31, 2004, without cost to the City."

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

That the Mayor is hereby authorized and directed to sign the Ninth Amendment to the Lease Agreement with Real Estate Resources, Inc. for office space used by the Charleston Police Department at 110 Washington Street, West. This amendment will extend the lease or an additional six-month period from March 1, 2004 to August 31, 2004.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 503-04, adopted.

11. Your Committee on Finance has had under consideration Resolution No. 505-04, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 505-04 – "Authorizing the Finance Director to allocate funds in the amount of

\$18,050 for acquisition of property for a HOME project on the City's West Side."

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

That the Finance Director is hereby authorized and direct to allocate funds in the amount of Eighteen Thousand Fifty Dollars (\$18,050) for acquisition of property for a HOME project on the City's West Side.

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

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

NAYS:

ABSENT: White

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 505-04, adopted.

12. Your Committee on Finance has had under consideration Resolution No. 506-04, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 506-04 – "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.

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

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

NAYS:

ABSENT: White

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 506-04, adopted.

13. Your Committee on Finance has had under consideration Resolution No. 508-04, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 508-04 - A resolution supplementing Ordinance No. 6977, which supplemented Ordinance No. 4423 passed by the Council of The City of Charleston, West Virginia, on March 6, 1989, as supplemented by Ordinance No. 4506 passed by the Council on November 6, 1989, by Ordinance No. 4954 passed by the Council on May 3, 1993, by Ordinance No. 6276 passed

by the Council on September 3, 1996, by Ordinance No. 6349 passed by the Council on June 2, 1997, by Ordinance No. 6532 passed by the Council on November 16, 1998, by Ordinance No. 6544 passed by the Council on February 1, 1999, by Ordinance No. 6670 passed by the Council on February 5, 2001, by Ordinance No. 6777 passed by the Council on March 19, 2001, and by Ordinance No. 6948 passed by the Council on November 4, 2002; authorizing the design, acquisition and construction of certain extensions, additions, betterments and improvements to the sewerage system of The City of Charleston; authorizing the issuance of \$9,835,120 in aggregate principal amount of Sewerage System Revenue Bonds, Series 2004 A, of The City of Charleston, the proceeds of which, shall be used, along with other funds and moneys of, or available to, The City of Charleston which may be lawfully expended for such purposes, to permanently finance the cost of such design, acquisition and construction, to a fund reserve account for such bonds and to pay other costs in connection therewith; providing for the rights and remedies of and security for the registered owners of such bonds; and adopting other provisions related thereto.

WHEREAS, the Council (the "Council") of The City of Charleston, West Virginia (the "City"), on May 19, 2003, adopted Ordinance No. 6977, which became effective following a public hearing on June 2, 2003, which Ordinance authorized the issuance of The City of Charleston Sewerage System Revenue Bonds, Series 2003, in an aggregate principal amount not to exceed \$12,000,000, to finance the cost of design, acquisition and construction of certain extensions, additions, betterments and improvements to the sewerage system of the City, and all as more fully set out therein (said Ordinance is hereinafter referred to as the "Ordinance");

WHEREAS, the Sewerage System Revenue Bonds, Series 2003, were not issued in 2003, but will be issued in 2004;

WHEREAS, the Council desires to redesignate the Sewerage System Revenue Bonds, Series 2003, as Sewerage System Revenue Bonds, Series 2004 A (the "Bonds");

WHEREAS, capitalized terms used herein and not otherwise defined herein shall have the same meanings set forth in the Ordinance when used herein;

WHEREAS, the Ordinance provides for the issuance of the Bonds, all in accordance with Chapter 16, Article 13 of the Code of West Virginia, 1931, as amended (the "Act"), and the terms of the Loan Agreement dated February 25, 2004, including all schedules and exhibits attached thereto (the "Loan Agreement"), by and among the City, the West Virginia Water Development Authority (the "Authority") and the West Virginia Department of Environmental Protection (the "DEP") and further provides that the exact principal amount, date, maturity date, interest rate, payment schedule, sale price and other terms of and matters relating to, the Bonds should be established by a supplemental resolution; and

WHEREAS, the Council of the City deems it essential and desirable that this resolution (the "Supplemental Resolution") be adopted, that the Bonds be redesignated, that the Loan Agreement be ratified by the Issuer, that the exact principal amount, date, maturity date, interest rate, payment schedule, sale price and other terms of the Bonds be fixed hereby in the manner stated herein, and that other matters relating to the Bonds be herein provided for.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CHARLESTON, WEST VIRGINIA, AS FOLLOWS:

Section 1. Pursuant to the Ordinance and the Act, this Supplemental Resolution is adopted and there are hereby authorized and ordered to be issued the redesignated Sewerage System Revenue Bonds, Series 2004 A, as follows:

(A) The Bonds shall be originally represented by a single bond, redesignated “Sewerage System Revenue Bonds, Series 2004 A”, numbered AR-1, and shall be issued in the aggregate principal amount of \$9,835,120. The Bonds shall be dated the date of delivery thereof, shall finally mature on June 1, 2025, and shall bear interest at the rate of two percent (2%) per annum. The principal of and interest on the Bonds are payable quarterly on March 1, June 1, September 1 and December 1 of each year, commencing September 1, 2005, in the amounts as set forth in the Schedule Y attached to the Loan Agreement and incorporated in and made a part of the Bonds. The Bonds shall be subject to redemption upon the written consent of the Authority and the DEP, and upon payment of the interest and redemption premium, if any, and otherwise in compliance with the Loan Agreement, so long as the Authority shall be the Registered Owner of the Bonds. The Bonds shall be subject to the SRF Administrative Fee equal to 1% of the principal amount of the Bonds as set forth in the Schedule Y attached to the Loan Agreement.

(B) The proceeds of the Bonds, along with other funds of the City, shall be deposited, as received from time to time, as follows:

(1) \$597,860 shall be deposited into the Series 2004 A Bonds Reserve Account; and

(2) The balance shall be deposited into the Series 2004 A Bonds Construction Trust Fund.

(C) The sale of the Bonds to the Authority is hereby approved. The Mayor is hereby authorized and directed to execute the Bonds by his manual signature and attested by the City Clerk by his manual signature and the seal of the City shall be impressed thereon.

Section 2. All other provisions relating to the Bonds and the text of the Bonds shall be as provided in the Ordinance, and the Bonds shall be in substantially the form provided in the Ordinance with such changes, insertions and omissions as may be approved by the Mayor. The execution of the Bonds by the Mayor shall be conclusive evidence of such approval.

Section 3. The City hereby ratifies, approves and accepts the Loan Agreement, including all schedules and exhibits attached thereto, and the execution and delivery of the Loan Agreement by the Mayor, and the performance of the obligations contained therein, on behalf of the City, are hereby ratified and approved. The City hereby affirms all covenants and representations made in the Loan Agreement and in the Application to the DEP and the Authority. The price of the Bonds shall be 100% of par value, there being no interest accrued thereon, provided that the proceeds of the Bonds shall be advanced from time to time as requisitioned by the City.

Section 4. The City hereby appoints and designates United Bank, Inc., Charleston, West Virginia, as the Registrar for the Bonds.

Section 5. The City hereby appoints and designates the West Virginia Municipal Bond Commission, Charleston, West Virginia (the "Commission"), as the Paying Agent for the Bonds.

Section 6 The City hereby appoints and designates Bank One, NA, with its principal office in Columbus, Ohio and its service office at 707 Virginia Street, East Charleston, West Virginia, as the Depository Bank under the Ordinance.

Section 7. The Mayor and City Clerk are hereby authorized and directed to execute and deliver such other documents and certificates required or desirable in connection with the Bonds.

Section 8 The City hereby determines to invest all moneys in the funds and accounts established by the Ordinance held by the Depository Bank until expended, in money market accounts secured by a pledge of Government Obligations, and therefore, the City hereby directs the Depository Bank to take such actions as may be necessary to cause such moneys to be invested in such money market accounts until further directed in writing by the City. Moneys in the Series 2004 A Bonds Sinking Fund and the Series 2004 A Bonds Reserve Account shall be invested by the Commission in the West Virginia Consolidated Fund.

Section 9. The design, acquisition and construction of the Project and the financing thereof with proceeds of the Bonds are in the public interest, serve a public purpose of the City and will promote the health, welfare and safety of the residents of the City.

Section 10. The City hereby approves and accepts all contracts relating to the financing, design, acquisition and construction of the Project.

Section 11. The City shall not permit at any time or times any of the proceeds of the Bonds or any other funds of the City to be used directly or indirectly in a manner which would result in the exclusion of the Bonds from the treatment afforded by Section 103(a) of the Code, by reason of the classification of the Bonds as "private activity bonds" within the meaning of the Code. It will take all actions necessary to comply with the Code, including the Treasury Regulations promulgated thereunder.

Section 12. This Supplemental Resolution shall take effect immediately upon adoption hereof.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 508-04, adopted. Loeb - Abstain

14. Your Committee on Finance has had under consideration a proposal submitted by Taser International in the amount of \$10,791.23, for purchase of four (4) Taser System stun weapons

and related supplies for use in the Charleston Police Department. To be charged to the following accounts: \$5,448.15 – 091-976-00-000-4-459, Police – LLEBG/2002\$5,343.08 – 043-299-00-000-3-341, Police Forfeiture Funds, and reports the same to Council with the recommendation that the committee report be adopted.

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

15. Your Committee on Finance has had under consideration to amend the purchase of two (2) Model 2004 Dodge Durango Police Utility vehicles, approved by Council on January 20, 2004, in the amount of \$45,186, by increasing the purchase price of the vehicles to \$47,395. The Police Department requested a change in specification for one of the vehicles, resulting in a price increase of \$2,209. To be charged to account no. 001-976-00-700-4-461, Police – Capital Outlay Lease/Purchase, and reports the same to Council with the recommendation that the committee report be adopted.

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

16. Your Committee on Finance has had under consideration Bill No. 7043, Committee Substitute, and reports the same to Council with the recommendation that the Bill do pass.

Bill No. 7043 - - A Bill amending and reenacting Chapter two (2) of the Code of the City of Charleston, as amended, by amending sections 681, 682, 683 and 684 relating to the creation, duties and finances of the Wayfinding Commission.

Be it ordained by the Council of the City of Charleston, West Virginia: That Chapter two (2) of the Code of the City of Charleston, as amended, be further amended by amending sections 681 and 683, as follows:

CHAPTER 2. ADMINISTRATION

Article VII. Boards and Commissions

Division 8. Wayfinding Commission

Sec. 2-681. Creation, composition, term of members, vacancies, compensation.

There is hereby created the Wayfinding Commission. The commission shall consist of twelve voting members who shall be appointed by the mayor and confirmed by Charleston City Council. Of these twelve members, at least three shall be selected from the Municipal Beautification Commission; at least one shall be selected from the Charleston Renaissance Corporation; at least one shall be selected from the Charleston Convention and Visitor's Bureau; at least one shall be selected from the Kanawha County Commission; at least two shall be selected from Charleston City Council; and at least one shall be selected from the City of South

Charleston. Four of the voting members first appointed shall serve for a term of one year, four for a term of two years, and four for a term of three years. Vacancies shall be filled by appointment for the unexpired term. Members of the commission shall serve without compensation. Those members selected from any entity named above shall serve so long as they are acting members of such entity.

(Bill. No. 6936, § 2-181, 11-4-2002)

Sec. 2-682. Organization.

(a) The commission shall select annually from its membership a chairman, vice chairman, secretary and other officers as it determines necessary for the performance of its duties. A majority of the members of the commission will constitute a quorum. No action of the commission shall be official, unless authorized by a majority of the commission.

(b) The commission shall adopt such rules and hold such meetings as shall be necessary or convenient for the transaction of its business.

(Bill. No. 6936, § 2-182, 11-4-2002)

Sec. 2-683. Duties and powers.

(a) The purpose of the commission is to create, oversee and review a sign system to direct residents and visitors to major public areas and places in the city and its environs, (herein the "Wayfinding System"). The commission shall have the authority to create, use and develop the following:

- (a) Geographic districts and their boundaries included in the Wayfinding System;
- (b) Destination and attraction signs included in the Wayfinding System;
- (c) Added amenities to the Wayfinding System, such as banners within districts;
- (d) District colors;
- (e) Graphic logos for the districts;
- (f) A Charleston Area Wayfinding Map;
- (g) A long-term maintenance program for sustaining the signs;
- (h) Policies and procedures regarding licensure and/or fair use of registered, copywrited, or otherwise legally protected designs, logos, maps, signs or other intellectual property of the Wayfinding Commission; and
- (i) Placement, location and removal of signs used for the purpose of providing direction to destinations in the City, and promulgation of regulations therefore.

(b) The commission shall report to City Council the plan and design of signs, the identification of geographic districts, and the assignment of district colors and any changes thereto.

(Bill. No. 6936, § 2-183, 11-4-2002)

Sec. 2-684. Finances and Reports.

(a) The commission shall have power and authority to raise funds for the purposes stated in this Division and for that purpose shall maintain operating accounts subject to periodic audit by the City. The commission shall also have power and authority to create a permanent endowment fund to be used and administered for the purposes stated in this Division.

(b) City council may appropriate funds as it deems necessary to finance the activities and expenses of the commission. Members of the commission may seek reimbursement by the commission for their reasonable actual expenses incurred in connection with the performance of their duties. The city shall not otherwise obligate itself to fund the activities or expenses of the commission.

(c) By February 1 of each year the commission shall make an annual report to City Council of its activities, a financial report showing receipts and expenditures from any accounts maintained by it and the status of any endowment funds.

(Bill. No. 6936, § 2-184, 11-4-2002)

Secs. 2-685--2-733. Reserved.

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

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

NAYS:

ABSENT: White

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7043 Committee Substitute passed.

17. Your Committee on Finance has had under consideration payment of an invoice from Alternative Service Concepts, LLC, in the amount of \$5,956.50, representing additional amount due for claims handling services covering the City's general liability and auto liability insurance policies for the period March 31, 2003 to March 30, 2004. The amount of the premium was \$91,949, and the actual earned amount is \$97,905.50. To be charged to Account No. 001-412-00-000-2-027, City Manager – Insurance, and reports the same to Council with the recommendation that the committee report be adopted.

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

18. Your Committee on Finance has had under consideration payment of an invoice from Medtronic Physio Control, in the amount of \$13,467.58, for the upgrade of heart monitors used by the Charleston Fire Department. To be charged to Account No. 009-003-00-054-0-999, CDBG – Neighborhood Facilities, 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 roll call was taken and there were; yeas-27, nays-0, absent-1, as follows:

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

NAYS:

ABSENT: White.

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

REPORTS OF OFFICERS

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

2. Report of the City of Charleston Financial Statements for the Eight-Month period ended February 29, 2004.
Received and Filed.

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

NEW BILLS INTRODUCED

Introduced by Councilman Bobby Reishman on March 15, 2004:

Bill No. 7045 - A Bill to amend and revise Section 114-602 and to delete Section 114-603 of the City Code of the City of Charleston, as amended 2004, all related to parking fees.

Refer to Parking Facilities Committee and Finance Committee.

Introduced by Councilman Archie Chestnut on March 15, 2004:

Bill No. 7046 - A Bill to establish a Metered Vehicular Parking zone for the exclusive use of the physically disabled on the easterly side of Summers Street from a point 120 feet south of Washington St. East to a point 186 feet south of Washington Street East to

provide for the removal of vehicles illegally parked in these spaces, to incorporate the provisions of West Virginia code, Chapter 17C, Article 13, Section 6, and amending the Traffic Control File, established by the Code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Law, Chapter one hundred fourteen, Article five, to conform therewith.
Refer to Streets and Traffic Committee.

Introduced by Councilman Charlie Loeb on March 15, 2004:
Bill No. 7047 A bill to repeal Appendix B, Zoning, Articles 1 through 26, of the City Code of the City of Charleston, November 25, 2003, as amended; and to amend said code by adding thereto a new chapter, designated as Chapter 91, all related to land use and zoning.
Refer to Ordinance and Rules Committee.

UNFINISHED OR MISCELLANEOUS BUSINESS

The Mayor announced that he appointed a new Committee, a committee to deal with employee benefits. The committee will be chaired by Harry Deitzler, Vice-Chair will be Mark Sadd. Other members will include Brenda Robertson, Bob White, Bobby Reishman, Tom Lane, Jerry Ware, Jack Harrison and Mary Jean Davis.

ROLL CALL

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

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

ABSENT: White.

At 8:05 p.m., on motion of Councilman Loeb, Council adjourned until Monday, March 22, 2004, at 7:00 p.m. for a Special Budget Meeting. The next regular meeting of Council will be Monday, April 5, 2004.

Danny Jones, Honorable Mayor

James M. Reishman, City Clerk