

JOURNAL
OF THE
COUNCIL
CITY OF CHARLESTON
WEST VIRGINIA

MAY 17, 2004

THE COUNCIL MET IN CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE SECOND MEETING IN THE MONTH OF MAY ON THE 17th DAY, IN THE YEAR 2004, AND WAS CALLED TO ORDER BY THE HONORABLE MAYOR, DANNY JONES. THE INVOCATION WAS DELIVERED JACK HARRISON, AND THE PLEDGE OF ALLEGIANCE WAS LEAD BY MARY JEAN DAVIS.

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

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

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

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

MAY 17, 2004, SECOND MEETING

CHARLESTON CITY COUNCIL JOURNAL MAY 17, 2004

PUBLIC SPEAKERS

1. Juanita Reed, Charleston.

CLAIMS

1. A claim of Melissa Bossie, 1023 Mountain Rd., Belle, WV; alleges damage to vehicle; Refer to City Solicitor.
2. A claim of Karen Rider, 107 Ferry St., Shrewsbury, WV; alleges damage to vehicle; Refer to City Solicitor.
3. A claim of Brian Matthews, 1210 Oakmont Rd., Charleston, WV; alleges damage to vehicle; Refer to City Solicitor.

PROCLAMATION

NATIONAL SMALL BUSINESS WEEK

COMMUNICATIONS

May 14, 2004

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

Dear Mayor Jones and Councilmember's:

On May 5, 2004, the Municipal Planning Commission held its public hearings and its regular monthly meeting. The following cases were heard by the Commission:

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

Special Permit 1152 – Application of Virgil Sadorra on behalf on GNV Investments

requesting a special permit to operate a Lounge/Bar serving alcoholic beverages in an Urban Renewal District at the property located at 212 Hale Street and 211 Dickinson Street.

Special Permit 1151 – Application of Thomas D. Ellis on behalf of Bridge Road Bistro requesting a special permit to operate a restaurant serving alcoholic beverages at the property located at 915 Bridge Road.

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

Sincerely,

Dan Vriendt
Planning Director

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

MISCELLANEOUS RESOLUTIONS

NONE.

REPORTS OF STANDING COMMITTEES

STREETS AND TRAFFIC

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

1. Your Committee on Streets and Traffic has had under consideration Bill No. 7056, and reports the same to Council with the recommendation that the Bill do pass.

Bill No. 7056 - A Bill to establish **No Parking Anytime Tow-Away** on all of Kinser Road from the end of Kinser Road to a point 40' west of the end of Kinser Road and amending the Traffic Control 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. No Parking Anytime Tow-Away on all of Kinser Road from the end of Kinser Road to a point 40' west of the end of Kinser Road 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.

Section 3. All prior ordinances, inconsistent with this ordinance are hereby repealed to the extent of said inconsistency.

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

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

NAYS:

ABSENT: Lane

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7056 passed.

2. Your Committee on Streets and Traffic has had under consideration Bill No. 7058, and reports the same to Council with the recommendation that the Bill do pass.

Bill No. 7058 - A Bill to amend and re-enact Ordinance No. 3029, passed by Council on December 20, 1982 relating to the establishment of a stop intersection on Chesterfield Avenue at the intersection of Chesterfield Avenue and 50th Street and amending the Traffic Control Map and Traffic Control File, established by the Code of the City of Charleston, West Virginia, two thousand three, as amended, Traffic Law, Chapter one hundred fourteen, Article five, to conform therewith.

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

Section 1. A stop intersection on Chesterfield Avenue at the intersection of Chesterfield Avenue and 50th Street 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.

Section 3. All prior Ordinances, inconsistent with this Ordinance are hereby repealed to the extent of inconsistency.

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

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

NAYS:

ABSENT: Lane

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7058 passed.

3. Your Committee on Streets and Traffic has had under consideration Bill No. 7060, and reports the same to Council with the recommendation that the Bill do pass.

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

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

Section 1. Ordinance No. 6063 passed by Council on December 19, 1994, relating to a **NO PARKING ANYTIME TOW-AWAY** zone on the south side of Swarthmore Avenue from Highland Road to Edgewood Drive is hereby repealed.

Section 2. The Traffic Control Map and Traffic Control File, established by the Code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Law, Chapter one 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, Lanham, Loeb, Markham, Miller, Monroe, Morton, Nielsen, Reed, Reishman, Robertson, Sadd, Talkington, Ware, Weintraub, White, Mayor Jones.

NAYS:

ABSENT: Lane

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7060 passed.

4. Your Committee on Streets and Traffic has had under consideration Bill No. 7062 as amended, and reports the same to Council with the recommendation that the Bill do pass.

Bill No. 7062 as amended – A bill to prohibit vehicles over 10,000 lbs. gross vehicle weight from traveling on Lower Donnelly Road and amending the Traffic Control Map and Traffic Control File, established by the Code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Law, Chapter one fourteen, Article five, shall be and hereby are, amended to conform to this Ordinance.

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

Section 1. Prohibiting vehicles over 10,000 lbs. gross vehicle from traveling on Lower Donnally Road 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 four, Division two, Section two hundred sixty-three shall be and hereby amended, to conform to this ordinance.

Section 3. The provisions of this section shall not apply to the drivers of all vehicles owned or operated by the United States, this state, or any county, city, town, district or any other political subdivision or the state or to any construction activity permitted by the City of Charleston on Lower Donnally, E. Donnally Road or Charlton Drive.

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

NAYS:

ABSENT: Lane

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7062, as amended, passed.

4. Your Committee on Streets and Traffic has had under consideration Bill No. 7063 as amended, and reports the same to Council with the recommendation that the Bill do pass.

Bill No. 7063 – A Bill to establish a vehicular parking zone for the exclusive use of the physically disabled on the easterly side of 27th Street West from a point 30 feet north of 6th Avenue to a point 74 feet north of 6th Avenue 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 16, and amending the Traffic Control Map and Traffic Control File, established by the Code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Law, Section 263, Division 2, Article 4, Chapter 114, to conform therewith.

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

Section 1. A vehicular parking zone for the exclusive use of the physically disabled on the easterly side of 27th Street West from a point 30 feet north of 6th Avenue to a point 74 feet north of 6th Avenue is hereby established.

Section 2. In order for a physically disabled person to utilized 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 for 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, Section 263, Division 2, Article 4, Chapter 114, 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, Lanham, Loeb, Markham, Miller, Monroe, Morton, Nielsen, Reed, Reishman, Robertson, Sadd, Talkington, Ware, Weintraub, White, Mayor Jones.

NAYS:

ABSENT: Lane

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7063, passed.

5. Your Committee on Planning has had under consideration Bill No. 7064, and reports the same to Council with recommendation that the Bill do pass.

Bill No. 7064 - Bill to establish a vehicular parking zone for the exclusive use of the physically disabled on the northerly side of 6th Avenue from a point 46 feet east of 27th Street, West to a point 93 feet east of 27th Street, West 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 16, and amending the Traffic Control Map and Traffic Control File, established by the Code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Law, Section 263, Division 2, Article 4, Chapter 114, to conform therewith.

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

Section 1. A vehicular parking zone for the exclusive use of the physically disabled on the northerly side of 6th Avenue from a point 46 feet east of 27th Street, West to a point 93 feet east of 27th Street, West is hereby established.

Section 2. In order for a physically disabled person to utilized 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 for 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, Section 263, Division 2, Article 4, Chapter 114, 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, Lanham, Loeb, Markham, Miller, Monroe, Morton, Nielsen, Reed, Reishman, Robertson, Sadd, Talkington, Ware, Weintraub, White, Mayor Jones.

NAYS:

ABSENT: Lane

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7064, passed.

FINANCE

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

Your Committee on Finance has had under consideration Resolution No. 541-04, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 541-04 – “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 no appropriation or insufficient appropriation currently exists.

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

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

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

NAYS:

ABSENT: Lane

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 541-04, adopted.

2. Your Committee on Finance has had under consideration Resolution No. 542-04, as amended, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 542-04, as amended – “Authorizing the City’s participation in the “Free KidsFlix 2004” summer promotional program with the Greater Huntington Theatre Corporation (GHTC) on Wednesdays of each week for the period June 16 to August 4, 2004. GHTC will provide free movies for children at the Park Place Cinemas during this promotional period and is requesting the City to participate by moving back the discount theatre parking time from 11:00 a.m. to 9:00 a.m. on those scheduled Wednesdays.”

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

That the City’s participation in the “Free KidsFlix 2004” summer promotional program with the Greater Huntington Theatre Corporation (GHTC) on Wednesdays of each week for the period June 16 to August 4, 2004. GHTC will provide free movies for children at the Park Place Cinemas during this promotional period and is requesting the City to participate by moving back the discount theatre parking time from 11:00 a.m. to 9:00 a.m. on those scheduled Wednesdays, is hereby approved.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 542-04, adopted.

3. Your Committee on Finance has had under consideration Resolution No. 543-04, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 543-04 – “Authorizing the Mayor to sign Change Order No. 4 with D.C. Byers Company, in the amount of \$12,380, for additional work relating to restoration of Municipal Parking Building No. 1.”

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

That the Mayor is hereby authorized and directed to sign Change Order No. 4 with D.C. Byers Company, in the amount of Twelve Thousand Three Hundred Eighty Dollars (\$12,380), for the following scope of work relating to restoration of Municipal Parking Building No. 1, located at Quarrier and Dickinson streets:

- Install eight (8) 15K shores
- Sounds slab area west of ledger beam
- Saw cut and remove debonded concrete
- Replace concrete per shallow depth repair procedure formerly utilized
- Cure concrete
- Install 3M deck coating
- Paint stripe as needed
- Epoxy inject approximately two lineal feet of beam

The original contract price for the restoration of MPB #1 and MPB #2 was \$1,206,414. The new contract price, including the four change orders, is \$1,335,044.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 543-04, adopted.

4. Your Committee on Finance has had under consideration Resolution No. 544-04, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 544-04 – “Authorizing the Mayor to sign Change Order No. 2 with McClanahan Construction Co., in the amount of \$18,500, for repair of riverbank failure at stations 167+50 (near Ruffner Avenue intersection); and 201+60 (near Greenbrier Street intersection), in connection with the Kanawha Boulevard Project.”

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

That the Mayor is hereby authorized and directed to sign Change Order No. 2 with McClanahan Construction Co., in the amount of Eighteen Thousand Five Hundred Dollars (\$18,500), for repair of riverbank failure at stations 167+50 (near Ruffner Avenue intersection); and 201+60 (near Greenbrier Street intersection), in connection with the Kanawha Boulevard Project. The original contract price for this project was \$715,469.74. Change Order No. 1, in the amount of \$57,000, and Change Order No. 2, in the amount of \$18,500, increase the contract costs to \$790,969.74.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 544-04, adopted.

5. Your Committee on Finance has had under consideration Resolution No. 545-04, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 545-04 – “Authorizing the Mayor to sign an Agreement with Rick Rutledge Construction Co., in the amount of \$17,886, providing for repair of storm damages to the YMCA Child Enrichment Center located at 201 Donnally Street.”

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

That the Mayor is hereby authorized and directed to sign an Agreement with Rick Rutledge Construction Co., in the amount of Seventeen Thousand Eight Hundred Eighty-six Dollars (\$17,886), providing for repair of storm damages to the YMCA Child Enrichment Center located at 201 Donnally Street.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 545-04, adopted.

6. Your Committee on Finance has had under consideration Resolution No. 546-04, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 546-04 – “Authorizing the Finance Director to make revisions to the 2003-2004 Civic Center 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 Civic Center budget as indicated on the attached list of accounts; and be it

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

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

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

NAYS:

ABSENT: Lane

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 546-04, adopted.

7. Your Committee on Finance has had under consideration Resolution No. 547-04, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 547-04 – “Authorizing the Finance Director to make revisions to the 2003-2004 General Fund budget as indicated on the attached list of account.”

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

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

FURTHER RESOLVED, that this budgetary revision is being made prior to the expenditure or

obligation of funds for which no appropriation or insufficient appropriation currently exists.

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

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

NAYS:

ABSENT: Lane

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 547-04, adopted.

8. Your Committee on Finance has had under consideration Resolution No. 548-04, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 548-04 – “Authorizing the Mayor to enter into an agreement between the Kanawha County Emergency Ambulance Authority and The City of Charleston for allocation of authorized special levies for fiscal years beginning July 1, 2004, 2005, and 2006. The City will be provided with 30 percent of the levy proceeds received by the Authority in exchange for providing ambulance services within the City limits by the The City of Charleston. This Agreement commences on the date the Agreement is executed by both parties and ends at midnight on June 30, 2007.”

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 between the Kanawha County Emergency Ambulance Authority and The City of Charleston for allocation of authorized special levies for fiscal years beginning July 1, 2004, 2005, and 2006. The City will be provided with 30 percent of the levy proceeds received by the Authority in exchange for providing ambulance services within the City limits by the The City of Charleston. This Agreement commences on the date the Agreement is executed by both parties and ends at midnight on June 30, 2007.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 548-04, adopted.

9. Your Committee on Finance has had under consideration Resolution No. 549-04, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 549-04 – “Authorizing the Mayor to sign an Agreement with Harley-Davidson WV, Inc. for leasing of auxiliary emergency lighting equipment installed on police motorcycles at a rate of \$1.00 per unit. The Agreement becomes effective on the date(s) the motorcycles are picked up and shall continue thereafter until the City notifies Harley-Davidson in writing that the

Agreement is terminated or until motorcycles are returned.”

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

That the Mayor is hereby authorized and directed to sign an Agreement with Harley-Davidson WV, Inc. for leasing of auxiliary emergency lighting equipment installed on police motorcycles at a rate of One Dollar (\$1.00) per unit. The Agreement becomes effective on the date(s) the motorcycles are picked up and shall continue thereafter until the City notifies Harley-Davidson in writing that the Agreement is terminated or until motorcycles are returned.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 549-04, adopted.

10. Your Committee on Finance has had under consideration Resolution No. 550-04, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 550-04 – “Authorizing the Finance Director to establish a new fund to be known as Fund 045 – Homeland Security Fund, to provide the basis for accountability of resources received from federal grants to overhaul the Operation Center and train citizens. The funds will be maintained in a non-interest bearing account according to federal grant guidelines.”

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

That the Finance Director is hereby authorized and directed to establish a new fund to be known as Fund 045 – Homeland Security Fund, to provide the basis for accountability of resources received from federal grants to overhaul the Operation Center and train citizens. The funds will be maintained in a non-interest bearing account according to federal grant guidelines.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 550-04, adopted.

11. Your Committee on Finance has had under consideration Resolution No. 551-04, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 551-04 – “Authorizing the Mayor to enter into an Agreement with Welding, Inc., in the amount of \$19,800, for modifications to the 10” pool filter line at Cato Park.”

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 Welding, Inc., in the amount of Nineteen Thousand Eight Hundred Dollars (\$19,800), for modifications to the 10” pool filter line at Cato Park.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 551-04, adopted.

12. Your Committee on Finance has had under consideration Resolution No. 552-04, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 552-04 – “Authorizing the reformation of the contract with BBL Carlton relating to Construction Management Services for the new ballpark.”

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

That the reformation of the contract with BBL Carlton relating to Construction Management Services for the new ballpark is hereby approved as follows:

“Construction Manager at Fee where the Construction Manager can also bid on the Work” instead of the original agreement for “Construction Manager at Risk with GMP where the Construction Manager is also the constructor.”

A fixed fee of 3.6% for the construction phase plus reimbursables instead of the original agreement of 5.95% plus reimbursables. The construction phase is to include the mass excavation and demolition bid packages where it was originally excluded. The estimated fee is \$489,600 based upon a construction budget of \$13,600,000. Restructuring of the contract in this manner is a savings to the project of approximately \$319,600 in fee, a savings of \$107,215 in bond, as well as the freeing up of some project contingency funds.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 552-04, adopted.

13. Your Committee on Finance has had under consideration Resolution No. 554-04, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 554-04 – “Adopting health insurance rate changes for City employees as established on the attached schedule.”

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

That the health insurance rate changes for City employees, as established on the attached schedule, are hereby approved.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-22, nays-5, absent-1, as follows:

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

NAYS: Markham, Miller, Sadd, Talkington, Ware.

ABSENT: Lane

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 554-04, adopted.

14. Your Committee on Finance has had under consideration a proposal submitted by Matheny Motor Truck Company, in the amount of \$13,848, for purchase of a 2004 GMC Sierra, 4X4 truck for MDENT. The total price of the new truck is \$19,498 and trade-in of four vehicles for a net price of \$5,650 reduced the cost to \$13,848. This vehicle will be titled to the Kanawha County Sheriff's Department. To be charged to the following accounts: \$ 3,462 – 900-173-00-976-4-459, MDENT Grant – Capital Outlay, Equipment \$10,386 – 095-173-03-976-0-459, MDENT Grant – Capital Outlay, Equipment, and reports the same to Council with the recommendation that the committee report be adopted.

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

15. Your Committee on Finance has had under consideration a proposal submitted by Stephens Auto Center, in the amount of \$10,284, for purchase of a 2004 Dodge Durango for MDENT. The total price of the new vehicle is \$22,284 and trade-in of three vehicles for a net price of \$12,000 reduced the cost to \$10,284. This vehicle will be titled to The City of Charleston. To be charged to the following accounts: \$2,571 – 900-173-00-976-4-459, MDENT Grant – Capital Outlay, Equipment \$7,713 – 095-173-03-976-0-459, MDENT Grant – Capital Outlay, Equipment, and reports the same to Council with the recommendation that the committee report be adopted.

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

16. Your Committee has had under consideration a proposal submitted by Data 911, in the amount of \$11,394, for purchase of two (2) mobile modular computers for installation in police cruisers. To be charged to Account No. 001-976-00-700-4-459, Police – Capital Outlay, Equipment, and reports the same to Council with the recommendation that the committee report be adopted.

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

17. Your Committee on Finance has had under consideration a bid submitted by Pomeroy Computer Resources, in the amount of \$14,718, for computers and related equipment for the Hope Community Development Corporation. To be charged to Account No. 001-111-1, Budget Digest Grant, 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 a proposal submitted by Verizon, in the amount of \$19,844, for purchase of switches and SmartNet maintenance for enhancement of the City's current computer network. To be charged to Account No. 001-975-00-439-4-459, IS Department – Capital Outlay, Equipment, and reports the same to Council with the recommendation that the committee report be adopted.

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

19. Your Committee on Finance has had under consideration the payment of two invoices from Asbestos Consulting, Inc., in the total amount of \$11,278.44, for asbestos abatement of the structure located at 1121 Upper Vine Street, containing 2,384 square feet (\$6,955.36); and the structure located at 477 58th Street, containing 1,702 square feet (\$4,323.08). The cost for the asbestos abatement is based on the contract price of \$2.54 per square foot, approved by City Council on February 17, 2004. To be charged to Account No. 001-436-00-000-2-230, Building Commission – Contract Services, and reports the same to Council with the recommendation that the committee report be adopted.

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

20. Your Committee on Finance has had under consideration the payment of an invoice from Crede Tractor Sales and Service, Inc., in the amount of \$6,479, for purchase of a mower on an emergency basis to replace the unit stolen from the Public Grounds Department. To be charged to Account No. 001-975-00-567-4-459, Public Grounds – CO, Equipment, and reports the same to Council with the recommendation that the committee report be adopted.

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

21. Your Committee on Finance has had under consideration the payment of an invoice from Kanawha Dental Health Council, in the amount of \$9,375, for reimbursement of funds for the School Dental Health Educators. 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 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, Clowser, Davis, Deitzler, Ealy, Hall, Hanna, Harris, Harrison, Higgins, Jones,

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

NAYS:

ABSENT: Lane

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

22. Your Committee on Finance has had under consideration the payment of an invoice from Shuman, McCuskey and Slicer, PLLC, in the amount of \$9,366.98, for professional services rendered during March and April 2004 in the case Cooper, Thornton, Pro Se v. City of Charleston. To be charged to Account No. 001-417-00-000-2-223, Legal – Professional Services, and reports the same to Council with the recommendation that the committee report be adopted.

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

REPORTS OF OFFICERS

1. Report of the City of Charleston Payroll Variance Analysis; April 2004; Received and Filed.

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

NEW BILLS INTRODUCED

Introduced by Councilman Bobby Reishman on May 17, 2004:

Bill No. 7061: A Bill granting a non-exclusive telephone franchise to NTELOS OF WEST VIRGINIA, Inc. for the use of the streets and other public rights-of-way of the City of Charleston, West Virginia, for the purposes of constructing, installing and maintaining network facilities for telecommunication services within the City of Charleston.

Refer to Finance Committee.

Introduced by Councilman Marc Weintraub on May 17, 2004:

Bill No. 7065 - A Bill to eliminate the Traffic Signal at the intersection of Ruffner Avenue and Virginia Street and amending the Traffic Control Map and Traffic Control File, established by the Code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Law, Section 263, Division 2, Article 4, Chapter 114, to conform therewith.

Refer to Streets and Traffic Committee.

Introduced by Councilman Marc Weintraub on May 17, 2004:

Bill No. 7066 - A Bill to establish a 3 Way Stop intersection at the intersection of Ruffner Avenue and Virginia Street and amending the Traffic Control Map and Traffic Control File, established by the Code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Law, Section 263, Division 2, Article 4, Chapter 114, to conform therewith.

Refer to Streets and Traffic Committee.

Introduced by Councilman James Lanham on May 17, 2004:

Bill No. 7067 - A Bill to establish a No Parking Anytime Tow-Away zone on the westerly side of Garvin Avenue from Beech Avenue to Ferguson Avenue and amending the Traffic Control Map and Traffic Control File, established by the Code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Law, Section 263, Division 2, Article 4, Chapter 114, to conform therewith.

Refer to Streets and Traffic Committee.

Introduced by Councilman Jack Harrison on May 17, 2004:

Bill No. 7068: A Bill to amend and reenact Sections 86-231, 86-233, 86-234, 86-235, 86-236, 86-238 (a), 86-239(c) (3) and (d), 86-241, the drug/alcohol testing notification & consent form and the testing policy receipt form of the City Code of the City of Charleston, 2003 as amended, all relating to the City's drug and alcohol testing policy.

Refer to Employee Committee.

Introduced by Councilman Bob White on May 17, 2004:

Bill No. 7069- - A Ordinance to provide and authorize the cooperation by the City of Charleston with the Kanawha County Commission for the implementation of 9-1-1 Addressing and Mapping within the City of Charleston, West Virginia, and to adopt all of the provisions in the attached document entitled "City of Charleston, West Virginia, 911 Addressing and Mapping Ordinance", and to appoint the City of Charleston Building Department Plans Reviewer as the Address Coordinator, and the City of Charleston Engineering Department as the Mapping Coordinator in connection with the West Virginia statewide Addressing and Mapping project.

Refer to Public Safety Committee.

Introduced by Councilman Ed Talkington on May 17, 2004:

Bill No. 7070: A Bill to amend and reenact Sections 2-734, 2-735, 2-736, 2-737, 2-738, 2-739, 2-740, 2-741, 2-742, 2-743, 2-744, 2-745, and 2-746 of City Code of the City of Charleston, 2003 as amended, all relating to the City's Service Fee, to become effective, retroactively, on January 1, 2004.

Refer to Finance Committee.

UNFINISHED OR MISCELLANEOUS BUSINESS

NONE.

ROLL CALL

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

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

ABSENT:

At 8:05 p.m., on motion of Councilman Loeb, Council adjourned until Monday, June 7, 2004, at 7:00 p.m.

Danny Jones, Honorable Mayor

James M. Reishman, City Clerk