

JOURNAL
OF THE
COUNCIL
CITY OF CHARLESTON

WEST VIRGINIA

January 3, 2005

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 3rd DAY, IN THE YEAR 2005, AND WAS CALLED TO ORDER BY THE HONORABLE MAYOR, DANNY JONES. THE INVOCATION WAS DELIVERED HARRY DEITZLER, AND THE PLEDGE OF ALLEGIANCE WAS LED BY MARY JEAN DAVIS.

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	
ROBERTSON		TALKINGTON
WARE	WEINTRAUB	WHITE
MAYOR JONES		

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 3, 2005, FIRST MEETING

PUBLIC SPEAKERS

1. Larry Bryson, Charleston WV.
2. Barney Frazier, Charleston, WV.
3. Jeff Allred, Charleston, WV

CLAIMS

1. A claim of Mark Wolfe and Amy Williams, 1560 Lee Street, E., Charleston, WV; alleges damage to property.
Refer to City Solicitor.
2. A claim of Karen F. Stover and H. Mark Hartley, 1908 Oakridge Drive, Charleston, WV; alleges damage to property.
Refer to City Solicitor.

COMMUNICATIONS

NONE.

MISCELLANEOUS RESOLUTIONS

NONE.

REPORTS OF STANDING COMMITTEES

URBAN RENEWAL

Councilman Marc Weintraub, Chairman of the Council Committee on Urban Renewal, submitted the following reports.

1. Your Committee on Urban Renewal has had under consideration Bill No. 7120, and reports the same to Council with the recommendation that the Bill do pass.

Bill No. 7120 – A bill approving the modification and reenactment of the Downtown/Old Charleston Urban Renewal for the City of Charleston, West Virginia as follows: Extend the effective date of the Plan to January 1, 2008 and reenact the Plan for the three years then ended.

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

1. The City Council finds that:

- a. The Charleston Urban Renewal Authority has recommended a certain modification of the Downtown/Old Charleston Urban Renewal Plan for the City of Charleston;
 - b. A general plan known as the Comprehensive Plan for the City of Charleston had been adopted by City Council and is recognized and used as a general guide for the development of the City;
 - c. The Municipal Planning Commission of the City of Charleston has submitted to the Charleston Urban Renewal Authority its findings that the proposed modifications conform with said Comprehensive Plan;
 - d. City Council has duly considered said findings; and
 - e. Section “F” of said Downtown/Old Charleston Urban Renewal Plan provides that the Plan may be changed from time to time in compliance with the requirements of the law.
2. The modifications of the Downtown/Old Charleston Urban Renewal Plan set forth in the following section of this ordinance are hereby found to be feasible and in compliance with the Comprehensive Plan for the City of Charleston.
 3. Section C.5 of the Downtown/Old Charleston Urban Renewal Plan is revised as follows:

Change the ending effective date to January 1, 2008

4. Reenact the Downtown/Old Charleston Urban Renewal Plan for the three years ending January 1, 2008.

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

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

NAYS:

ABSENT: Reishman, Sadd.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7020, passed.

2. Your Committee on Urban Renewal has had under consideration Bill No. 7121, and reports the same to Council with the recommendation that the Bill do pass.

Bill No. 7121 – A bill approving the modification and reenactment of the Shrewsbury/Smith Streets Urban Renewal for the City of Charleston, West Virginia as follows: Extend the effective date of the Plan to January 1, 2015 and reenact the Plan for the ten years then ended.

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

1. The City Council finds that:

- a. The Charleston Urban Renewal Authority has recommended a certain modification of the Shrewsbury/Smith Streets Urban Renewal Plan for the City of Charleston;
- b. A general plan known as the Comprehensive Plan for the City of Charleston had been adopted by City Council and is recognized and used as a general guide for the development of the City;
- c. The Municipal Planning Commission of the City of Charleston has submitted to the Charleston Urban Renewal Authority its findings that the proposed modifications conform with said Comprehensive Plan;
- d. City Council has duly considered said findings; and
- e. Section "F" of said Shrewsbury/Smith Streets Urban Renewal Plan provides that the Plan may be changed from time to time in compliance with the requirements of the law.

2. The modifications of the Shrewsbury/Smith Streets Urban Renewal Plan set forth in the following section of this ordinance are hereby found to be feasible and in compliance with the Comprehensive Plan for the City of Charleston.

3. Section C.5 of the Shrewsbury/Smith Streets Urban Renewal Plan is revised as follows:

Change the ending effective date to January 15, 2015

4. Reenact the Shrewsbury/Smith Streets Urban Renewal Plan for the ten years ending January 1, 2015.

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

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

NAYS:

ABSENT: Reishman, Sadd

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7121, passed.

FINANCE

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

1. Your Committee on Finance has had under consideration Resolution No. 722-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 722-05 – “Authorizing the Mayor to sign a grant award in the amount of \$9,250 from the West Virginia Department of Transportation, Governor’s Highway Safety Program, under the Click It or Ticket Challenge Incentive Program. The funds will be used for police training and equipment that support highway safety efforts in the area.”

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

That the Mayor is hereby authorized and directed to sign a grant award in the amount of Nine Thousand Two Hundred Fifty Dollars (\$9,250) from the West Virginia Department of Transportation, Governor’s Highway Safety Program, under the Click It or Ticket Challenge Incentive Program. The funds will be used for police training and equipment that support highway safety efforts in the area.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 722-05, adopted.

2. Your Committee on Finance has had under consideration Resolution No. 723-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 723-05 – “Authorizing the Mayor to sign the TEA-21 application for the CSX Trestle Project.”

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

That the Mayor is hereby authorized and directed to sign the TEA-21 application for the CSX Trestle Project.

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

NAYS:

ABSENT: Reishman, Sadd.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 723-05, adopted.

3. Your Committee on Finance has had under consideration Resolution No. 724-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 724-05 – “Authorizing the Mayor to sign an Amendment to the Consent Order between the City of Charleston, the Charleston Sanitary Board, and the West Virginia Division of Environmental Protection providing for an extension period to December 1, 2007, that the Sanitary Board has to complete its construction improvements to the treatment plant, and an extension period to May 1, 2008, for meeting the compliance with affluent limitations covering the project.”

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

That the Mayor is hereby authorized and directed to sign an Amendment to the Consent Order between the City of Charleston, the Charleston Sanitary Board, and the West Virginia Division of Environmental Protection providing for an extension period to December 1, 2007, that the Sanitary Board has to complete its construction improvements to the treatment plant, and an extension period to May 1, 2008, for meeting the compliance with affluent limitations covering the project.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 724-05, adopted.

4. Your Committee on Finance has had under consideration Resolution No. 725-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 725-05 – “Authorizing the Mayor to sign Addendum No. 3 with the West Virginia Department of Transportation, Division of Highways, supplementing the original Agreement dated January 2, 2001, Addendum No. 1 dated April 12, 2001, and Addendum No. 2 dated September 12, 2003, providing for additional work on the Kanawha Boulevard Sidewalk Project (State Project: S320-CHA/S-39.01), and a no-cost time extension for completion of the Project to June 30, 2005.”

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

That the Mayor is hereby authorized and directed to sign Addendum No. 3 with the West Virginia Department of Transportation, Division of Highways, supplementing the original Agreement dated January 2, 2001, Addendum No. 1 dated April 12, 2001, and Addendum No. 2 dated September 12, 2003, providing for additional work on the Kanawha Boulevard Sidewalk Project (State Project: S320-CHA/S-39.01), and a no-cost time extension for completion of the Project to June 30, 2005.

The project included the replacement of existing and the construction of new sidewalks and curbs; minor landscaping; and the improvement of the slope and drainage under the sidewalks extending along the south side of the Kanawha Boulevard from the 35th Street Bridge to

California Avenue, from Greenbrier street to approximately 700 feet west of the South Side Bridge (covered in Addendum No. 3), and from the western side of Haddad Riverfront Park to the Patrick Street Bridge.

All other terms and provisions contained in the previous agreements are in force and effect, except as modified and/or altered by Addendum No. 3.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 725-05, adopted.

5. Your Committee on Finance has had under consideration Resolution No. 726-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 726-05 – “Authorizing the Mayor to sign a grant application with the West Virginia Division of Highways, Transportation Enhancement Program, in the amount of \$150,000 with a 20% match, to provide funds to establish the Charleston Midland Trail Interpretative Center the site of the new Baseball Stadium.”

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

That the Mayor is hereby authorized and directed to sign a grant application with the West Virginia Division of Highways, Transportation Enhancement Program, in the amount of One Hundred Fifty Thousand Dollars (\$150,000) with a 20% match, to provide funds to establish the Charleston Midland Trail Interpretative Center the site of the new Baseball Stadium.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 726-05, adopted.

6. Your Committee on Finance has had under consideration Resolution No. 727-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 727-05 – “Authorizing the Mayor to sign an application for a Governor’s Community Partnership Grant to provide funds for capital improvements in the City of Charleston.”

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 Governor’s Community Partnership Grant to provide funds for capital improvements in the City of Charleston.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 727-05, adopted.

7. Your Committee on Finance has had under consideration Resolution No. 728-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 728-05 – “Authorizing the Mayor to sign Change Order No. 2 with Progressive Electric, Inc., contractor for Bid Package CI-2D – Electrical, in an amount up to \$38,755.56 for purchase and installation of a 150 KW Generator to serve the new Baseball Stadium and 601 Morris Street.”

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 Progressive Electric, Inc., contractor for Bid Package CI-2D – Electrical, in an amount up to Thirty-eight Thousand Seven Hundred Fifty-five Dollars and Fifty-six Cents (\$38,755.56) for purchase and installation of a 150 KW Generator to serve the new Baseball Stadium and 601 Morris Street.

The question being on the adoption of the Resolution a vote was taken. There being one dissent from Markham the Mayor declared Resolution No. 728-05, adopted.

REPORTS OF OFFICERS

1. Report of the Policemen’s and Firemen’s Pension Funds – UPDATE REPORT prepared by Charleston City Treasurer.
Received and Filed.

NEW BILLS INTRODUCED

Introduced by Councilman Bobby Reishman on January 3, 2005:

Bill No. 7123- A Bill authorizing the refunding of the Parking System Refunding Revenue Bonds, Series 1993, the Parking System Revenue Bonds, Series 1994 A, the Parking System Subordinate Revenue Bonds, Series 1994 B and the Parking System Subordinate Revenue Bonds, Series 1995 A if The City of Charleston; authorizing the issuance of not more than 3,500,000 in Parking System Bond Anticipation Notes; authorizing the issuance of not more than \$12,885,000 in aggregate principal amount of Parking System Refunding Revenue Bonds, Series 2005 A and Series 2005 B, 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 finance the cost of such refunding, to fund reserve accounts 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.

Refer to Finance Committee.

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, Reed, Robertson, Talkington, Ware, Weintraub, White, Mayor Jones.

ABSENT: Reishman, Sadd.

At 7:45 p.m., on motion of Councilman Loeb, Council adjourned until Tuesday, January 18, 2005, at 7:00 p.m.

Danny Jones, Honorable Mayor

James M. Reishman, City Clerk