

JOURNAL
OF THE
COUNCIL
CITY OF CHARLESTON
WEST VIRGINIA

October 3, 2005

THE COUNCIL MET IN CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE FIRST MEETING IN THE MONTH OF OCTOBER ON THE 3rd DAY, IN THE YEAR 2005, AND WAS CALLED TO ORDER BY THE HONORABLE MAYOR, DANNY JONES. THE INVOCATION WAS DELIVERED BY JERRY WARE, AND THE PLEDGE OF ALLEGIANCE WAS LED BY JACK HARRISON.

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

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

TWENTY- FOUR 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.

PUBLIC SPEAKERS

- 1. Mac Bibbee, City of Charleston – Dangerous Animals
- 2. Jennifer Jordan, City of Charleston – Walk a Mile in WV
- 3. Russ Young, City of Charleston – Springhill Cemetery Park

CLAIMS

- 1. A claim of Ann Saville, 226 Capitol St., Charleston, WV; alleges damage to property.
Refer to City Solicitor.
- 2. A claim of Jeffery Smith, 4312 Venable Ave. SE., Charleston, WV; alleges damage to vehicle.
Refer to City Solicitor.
- 3. A claim of Mildred Moore, 1250 K St., Arcata, CA; alleges personal injury.
Refer to City Solicitor.
- 4. A claim of Janine Desautels, 304 Georgetown Circle, Charleston, WV; alleges damage to property.
Refer to City Solicitor.

REPORTS OF STANDING COMMITTEES

FINANCE

Councilman Ed Talkington member of the Finance Committee submitted the following reports.

- 1. Your Committee on Finance has had under consideration Resolution No. 906-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 906-05 : “Authorizing the Mayor to receive and administer funds received from the West Virginia Governor’s Highway Safety Office, Safe Community Grant, in the amount of \$105,000. The funds will be disbursed to law enforcement agencies in Kanawha, Clay, Logan and Boone counties with \$35,000 being appropriated for salaries and \$70,000 for DUI overtime.”

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

That the Mayor is hereby authorized and directed to receive and administer funds received from the West Virginia Governor’s Highway Safety Office, Safe Community Grant, in the amount of One Hundred Five Thousand Dollars (\$105,000). The funds will be disbursed to law enforcement agencies in Kanawha, Clay, Logan and Boone counties with \$35,000 being appropriated for salaries and \$70,000 for DUI overtime.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 906-05, adopted.

2. Your Committee on Finance has had under consideration Resolution No. 907-05 as amended, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 907-05, as amended : “Authorizing the Mayor to sign and submit Fiscal Year 2005 Budget Digest grant application, and all other related documents, on behalf of the National Youth Science Foundation, in the amount of \$50,000. The application requests funds for the support of the National Youth Science Camp.”

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

That the Mayor is hereby authorized and directed to sign and submit Fiscal Year 2005 Budget Digest grant application, and all other related documents, on behalf of the National Youth Science Foundation, in the amount of Fifty Thousand Dollars (\$50,000). The application requests funds for the support of the National Youth Science Camp.

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

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

ABSENT: Clowser, Loeb, Nielsen, Reishman

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 907-05, as amended, adopted.

3. Your Committee on Finance has had under consideration Resolution No. 908-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 908-05 : “Authorizing the Mayor to sign a request for Subordination Agreement to waive the priority of that certain credit line deed of trust executed by William D. and Tammie Stephens, husband and wife, dated March 6, 2002, and recorded in the office of the Clerk of the County Commission of Kanawha County, West Virginia, in Trust Deed Book 3017 at page 224, which secures the sum of Nine Thousand Five Hundred Dollars (\$9,500) for the sole purpose of giving priority to that certain deed of trust executed by William D. and Tammie R. Stephens to Express Mortgage, LLC.”

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

That the Mayor is hereby authorized and directed to sign a request for Subordination Agreement to waive the priority of that certain credit line deed of trust executed by William D. and Tammie Stephens, husband and wife, dated March 6,2002, and recorded in the office of the Clerk of the County Commission of Kanawha County, West Virginia, in Trust Deed Book 3017 at page 224, which secures the sum of Nine Thousand Five Hundred Dollars (\$9,500) for the sole purpose of giving priority to that certain deed of trust executed by William D. and Tammie R. Stephens to Express Mortgage, LLC.

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

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

ABSENT: Clowser, Loeb, Nielsen, Reishman

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 908-05, adopted.

4. Your Committee on Finance has had under consideration Resolution No. 909-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 909-05 : “Authorizing the Finance Director to make revisions to the 2005-2006 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 2005-2006 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-24, absent-4, as follows:

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

ABSENT: Clowser, Loeb, Nielsen, Reishman

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 909-05, adopted.

5. Your Committee on Finance has had under consideration a bid submitted by Mountain International Trucks, Inc., in the amount of \$323,608 for purchase of Four Dump Trucks \$80,902 each to be used by the Street Department. To be charged to Account No. 001-977-00-750-4-461, Street – 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.

6. Your Committee on Finance has had under consideration a bid submitted by Stephen’s Auto Center, in the amount of \$18,590, for purchase of right hand drive meter patrol vehicle to be used by the Parking System. To be charged to Account No. 406-571-00-000-4 461, Parking System –

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.

7. Your Committee on Finance has had under consideration a Proposal submitted by Stephen's Auto Center, in the amount of \$12,370, for a vehicle to be used by the Metro Drug Enforcement Network Team. To be charged to Account No. 900-173-00-976-4-459, MDENT – Capital Outlay, Equipt, 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.

NEW BILLS INTRODUCED

Introduced by Councilwoman Mary Jean Davis, on October 3, 2005:

Bill No. 7167 – A Bill amending and reenacting Chapter 91, of the Charleston City Code for the purpose of replacing the referenced ordinance titled “Zoning Ordinance of the City of Charleston, West Virginia, as passed by Ordinance No. 2924, March 7, 1983 as amended” with a new ordinance titled “Zoning Ordinance of the City of Charleston, West Virginia, November 21, 2005”, said document shall be kept on file in the Charleston Planning Department and City Clerk's Office.

Refer to Municipal Planning Commission

ROLL CALL

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

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

ABSENT: Clowser, Loeb, Markham, Nielsen, Reishman

At 7:50 p.m., on motion of Councilman Loeb, Council adjourned until Monday, October 17, 2005, at 7:00 p.m.

Danny Jones, Honorable Mayor

James M. Reishman, City Clerk