

**JOURNAL**  
**OF THE**  
**COUNCIL**  
**CITY OF CHARLESTON**  
**WEST VIRGINIA**

**SPECIAL MEETING      APRIL 18, 2006**

**THE COUNCIL MET IN CHAMBERS OF THE CITY BUILDING AT 5:30 P.M., FOR THE SPECIAL MEETING IN THE MONTH OF APRIL ON THE 18<sup>th</sup> DAY, IN THE YEAR 2006, AND WAS CALLED TO ORDER BY THE HONORABLE MAYOR, DANNY JONES. THE INVOCATION WAS DELIVERED BY COUNCILMAN EALY AND THE PLEDGE OF ALLEGIANCE WAS LED BY COUNCILMAN HIGGINS.**

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

**CHESTNUT**

**HIGGINS  
LANHAM  
MONROE**

**NIELSEN  
ROBERTSON  
WARE  
MAYOR JONES**

**CLOUSER  
EALY  
HARRIS  
JONES**

**REED  
SADD**

**DAVIS  
HALL**

**LOEB  
MILLER**

**REISHMAN  
TALKINGTON  
WHITE**

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

**April 18, 2006  
SPECIAL MEETING**

Mayor Jones stated the following:

PURSUANT TO SECTION 22 OF THE CHARTER OF THE CITY OF CHARLESTON, AND AFTER DULY BEING ADVERTISED AS REQUIRED ON APRIL 12, 2006 AND APRIL 13, 2006. I NOW DECLARE THIS STATUTORY MEETING OF COUNCIL RECONVENED AS REQUIRED BY THE WEST VIRGINIA CODE, 11-8-14.

Council is now in session;

Councilman Bobby Reishman submitted the following report.

1. Bill No. 7204 - a Bill and Order relating to the laying of levies on real, personal and public utility property within the City of Charleston, West Virginia, including excess levies previously provided for in the Official Municipal Budget Document for the fiscal year beginning the first day of July, two thousand three .

WHEREAS, each Municipality is required to hold a Statutory meeting of its Council on the third Tuesday in April each year to make and enter a levy order, and

WHEREAS, written approval of the West Virginia State Tax Commissioner has been received and notice of the Levy Estimate has been duly published as required by law; now therefore

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

That the City of Charleston, West Virginia does hereby make and enter the levy order attached hereto, incorporated herein and made a part hereof.

Councilman Loeb made the motion to amend the Bill by inserting the following language:

Whereas, pursuant to W.Va. Code 8-11-4(a)(1), a proposed ordinance shall be read by title at not less than 2 meetings of the City Council with at least one week intervening between each meeting; and

Whereas, Bill No. 7204 was introduced on April 17, 2006; and

Whereas, the City Council desires to adopt Bill No. 7204 without the intervening one week period as described above; and

Whereas, pursuant to W.Va. Code 8-11-4(d) and City Council Rule 7, the City Council may adopt an ordinance without complying with W.Va. Code 8-11-4(a)(1) in the case of a pressing public emergency dangerous to the public health, safety and morals; and Whereas, failure to pass Bill No. 7204 as of April 18, 2006, shall result in the loss of public funds to provide necessary public safety and other critical services to the City of Charleston; which shall result in a pressing public emergency; now, therefore

Councilperson Nielsen second the motion.

The question being on the passage of the amendment a roll call was taken and there were; yeas- 21, absent – 7, as follows:

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

ABSENT: Deitzler, Hanna, Harrison, Lane, Markham, Morton, Weintraub

With two-thirds of the elected members of council as voting in the affirmative the Mayor declared the amendment to Bill No. 7204 passed.

Councilman Mike Clowser made a motion to amend the Bill by changing the language of “two-thousand three” to read as “two thousand six”. Councilman Ware second the motion.

The question being on the passage of the amendment a roll call was taken and there were; yeas- 21, absent – 7, as follows:

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

ABSENT: Deitzler, Hanna, Harrison, Lane, Markham, Morton, Weintraub

With two-thirds of the elected members of council as voting in the affirmative the Mayor declared the amendment to Bill No. 7204 passed.

Council voted on the Bill as amended:

Bill No. 7204, as amended - a Bill and Order relating to the laying of levies on real, personal and public utility property within the City of Charleston, West Virginia, including excess levies previously provided for in the Official Municipal Budget Document for the fiscal year beginning the first day of July, two thousand six.

WHEREAS, each Municipality is required to hold a Statutory meeting of its Council on the third Tuesday in April each year to make and enter a levy order, and

WHEREAS, written approval of the West Virginia State Tax Commissioner has been received and notice of the Levy Estimate has been duly published as required by law;

WHEREAS, pursuant to W.Va. Code 8-11-4(a)(1), a proposed ordinance shall be read by title at not less than 2 meetings of the City Council with at least one week intervening between each meeting; and

WHEREAS, Bill No. 7204 was introduced on April 17, 2006; and

WHEREAS, the City Council desires to adopt Bill No. 7204 without the intervening one week period as described above; and

WHEREAS, pursuant to W.Va. Code 8-11-4(d) and City Council Rule 7, the City Council may adopt an ordinance without complying with W.Va. Code 8-11-4(a)(1) in the case of a pressing public emergency dangerous to the public health, safety and morals; and

WHEREAS, failure to pass Bill No. 7204 as of April 18, 2006, shall result in the loss of public funds to provide necessary public safety and other critical services to the City of

Charleston; which shall result in a pressing public emergency; now, therefore  
Be it Ordained by the Council of the City of Charleston, West Virginia:

That the City of Charleston, West Virginia does hereby make and enter the levy order attached hereto, incorporated herein and made a part hereof.

The question being on the passage of the Bill as amended, a roll call was taken and there were; yeas-21, absent – 7, as follows:

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

With two-thirds of the elected members of council as voting in the affirmative the Mayor declared Bill No. 7204 as amended, passed.

#### ROLL CALL

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

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

At 5:50 p.m., on motion of Councilman Loeb, Council adjourned.

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Danny Jones, Honorable Mayor

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James M. Reishman, City Clerk