

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

June 22, 2010

THE COUNCIL MET IN CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE SECOND MEETING IN THE MONTH OF JUNE ON THE 22nd DAY, IN THE YEAR 2010, AND WAS CALLED TO ORDER BY THE HONORABLE MAYOR, DANNY JONES. THE INVOCATION WAS DELIVERED BY HARRISON AND THE PLEDGE OF ALLEGIANCE WAS LED BY PAYNE.

**BURKA
DEITZLER
HALL
HARRISON
KIRK**

**REISHMAN
SHEETS**

MAYOR JONES

**CLOUSER
DENEALT**

**HIGGINS
KNAUFF
PAYNE**

**SMITH
WEINTRAUB**

**DAVIS
EALY
HARRIS
JONES
LANE
REED
SALISBURY
TALKINGTON
WHITE**

WITH 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

None

CLAIMS

- 1. A claim of David Brown, 145 Garnett Dr, Dunbar, WV ; alleges damage to vehicle.
Refer to City Solicitor
- 2. A claim of Darnell Staples, 107 Bream St., Charleston, WV ; alleges personal injury.
Refer to City Solicitor
- 3. A claim of Walter Lee Seals, 213 W. 31st St., Charleston, WV ; alleges damage to personal property.
Refer to City Solicitor
- 4. A claim of Rose Howard, 205 Market Dr., Charleston, WV; alleges personal injury.
Refer to City Solicitor
- 5. A claim of Robert Hill , 1007 Dartmouth Ave., Charleston, WV; alleges personal property.
Refer to City Solicitor

COMMUNICATIONS

The Clerk read the Proclamation:

**EXECUTIVE DEPARTMENT
CITY OF CHARLESTON
PROCLAMATION
By the Mayor**

WHEREAS: For many Americans and residents of Charleston, owning a home represents security, investment, independence, and a piece of the American dream; and

WHEREAS: The City of Charleston is committed to helping citizens – of all income levels – to achieve their dream of homeownership through responsible counseling, financing, lending and borrowing practices; and

WHEREAS: Sustaining homeownership is achievable for many people through participation in certified homeownership counseling programs, which offer reliable guidance in exercising financial fitness, implementing savings programs, choosing the most appropriate lender, and selecting the right loan program; and

WHEREAS: The Charleston Kanawha Housing Authority, the U.S Department of Housing and Urban Development, non-profit housing organizations, several community-based organizations, lending institutions, realtor associations, public and private organizations strive to increase public awareness of and individual responsibility

for home ownership; and

WHEREAS: As part of a national move toward increased public awareness, June 2010 has been designated as National Homeownership Month; and

NOW THEREFORE, I, Danny Jones, Mayor of the City of Charleston, do hereby proclaim June 2010 as

HOME OWNERSHIP MONTH

in Charleston, West Virginia, and urge all citizens to gain a better understanding of the value, benefits and responsibilities associated with home ownership in West Virginia's capital city.

IN WITNESS WHEREOF, I have set my hand and caused the Seal of the Executive Department to be affixed this 22nd day of June 2010, for presentation to the U.S. Department of Housing and Urban Development.

DANNY JONES, MAYOR

The Clerk read the Bill withdraw request from the Ordinance and Rules Committee;

Honorable Danny Jones
and Members of City Council
Charleston, WV 25330

Dear Mayor Jones and Council members:

Please withdraw the following bills. The committee on Rules and Ordinance has requested the withdrawal.

Introduced by Councilman Charlie Loeb on August 5, 2002:

Bill No. 6930, A Bill to amend and reenact section forty-seven, chapter eighteen of the code of the City of Charleston, one thousand nine hundred twenty-nine, as amended, relating to declaration of policy on excessive levels of sound; definitions; loud and unnecessary noises; certain loud and disturbing noises enumerated; measurement and control of noise, applicability of statute; exceptions and special waivers; enforcement; conflicts; and penalty.

Introduced by Councilman Ed Talkington February 5, 2001:

Bill No. 6775, a Bill amending and re-enacting Chapter 4-12 of the City Code pertaining to cruelty to animals and animal fighting ventures.

Introduced by Councilman Tom Lane on September 18, 2000:

Bill No. 6749, a Bill to amend and reenact Section 31-28 of the Charleston City Code to assess a \$5.00 fee against those found guilty of offenses punishable by incarceration, in addition to all other fines, to be retained by the City in a separate account used solely for police training and equipment.

Introduced by Councilman Charlie Loeb July 15, 2002:

Bill No. 6928, A Bill amending and reenacting section nine, chapter eighteen of the code of the City of Charleston, as amended, relating to penalties for interfering with City officers and employees.

Introduced by Councilmembers Charlie Loeb, Brenda Robertson, David Higgins, Jack Harrison and Paul Monroe June 6, 2005:

Bill No. 7154, A Bill to amend and reenact §78-165, §78-166, of said code; to add the following language to each section: It shall not be a violation of this section to engage in a limited bow hunt authorized by §10-171 of this Code, provided the limited bow hunt is conducted in accordance with §10-171, any and all rules promulgated pursuant to that section, any and all applicable sections of the Charleston City Code, and any and all applicable statutes and regulations of the State of West Virginia.

Introduced by Councilwoman Sara Crickenberger, on July1, 2002:

Bill No. 6927, a Bill to amend and re-enact, sections two, three, four, eight (c), eight(i), nine (b)(1), nine (b)(2), nine (b)(3), nine (c), nine (f)(1), nine (f)(2), nine (f)(3), nine (g)(1), nine (g)(2), nine (g)(3), nine (h)(1), nine (h)(2), nine (i)(4), and fifteen, all of chapter fifteen of the code of the City of Charleston, one thousand nine hundred twenty-nine, as amended, all relating to expanding the comprehensives of the chapter relative to violations of individual=s human rights to include among the protected categories sexual orientation, and marital status.

Sincerely,
Rules and Ordinance Committee
Jack Harrison, Committee Chairman

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the Bills officially withdrawn.

MISCELLANEOUS RESOLUTIONS

Resolution No. 787-10

Introduced in Council

Passed in Council

June 22, 2010

June 22, 2010

Bobby Reishman

WHEREAS: The West Virginia Infrastructure and Jobs Development Council is considering a new resolution that would prevent several municipalities, municipal utility boards, municipal sanitary boards and Public Service Districts from access to non market rate project funding from federal environmental programs to which they are now otherwise eligible under statute and regulation; and

WHEREAS: The IJDC “Private Sector Resolution” and resulting policy would force many dependable borrowers and well-managed utilities – including the Charleston Sanitary Board – out of eligibility for new projects under the revolving loan program, and thus diminish borrowing activity in the revolving loan programs and decrease the amount of debt service paid into the programs that would otherwise be available to fund future projects; and

WHEREAS: The proposed change in policy would penalize municipal utilities, which are able to deliver lower cost service because of population density and other economies of scale, and jeopardize affordability of our urban infrastructure projects and services; and

WHEREAS: This well-meaning but ill-conceived policy proposal penalizes municipal and PSD utilities that have maintained low rates and quality service for their customers; and

WHEREAS: By adopting a policy that penalizes and effectively excludes well-managed utilities from participation in revolving loan fund programs, the IJDC would deny to a significant number of our citizens the benefit of public funds that are made possible by tax payments of those very citizens; and

WHEREAS: Forcing municipal utilities out of revolving loan fund rates and into market rate financing effectively penalizes the citizens of Charleston at a time when infrastructure needs continue to increase and utility costs continue to rise to meet stricter environmental standards.

Therefore be it resolved by The Council of The City of Charleston, West Virginia:

That the elected leaders of the City of Charleston urge the Infrastructure Jobs and Development Council to reject this policy proposal that would have the effect of penalizing the citizens of Charleston through higher costs.

Upon adoption of this resolution, the Council authorizes the City Clerk to forward copies of it to the Governor and Infrastructure Jobs and Development Council.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 787-10, adopted.

ENVIRONMENT AND RECYCLING

Your Committee on Environment and Recycling has had under consideration Resolution No. 778-10, and reports the same to Council with the recommendation that the committee report be adopted but first be referred to the Finance Committee for final consideration.

The Mayor referred the Resolution to the Finance Committee.

ORDINANCE AND RULES

Councilman Jack Harrison, Chairman of the Council Committee on Ordinance and Rules, submitted the following reports.

Bill No. 7426 - A BILL to amend Chapter 14, Article II, Section 14-33 of the Municipal Code of the City of Charleston for the purpose of updating the Building Code of the City of Charleston to be consistent with the recently amended State Building Code as set forth in W. Va. Code § 29-3-5, and State of West Virginia Title 87, Legislative Rule Series 4 (§ 87-4-1 et seq.).

Now, therefore, be it Ordained by the Council of the City of Charleston, West Virginia:

That effective July 1, 2010, Chapter 14, Article II, Section 14-33 of the Municipal Code of the City of Charleston is hereby amended for the purpose of updating the Building Code of the City of Charleston to be consistent with the recently amended State Building Code as set forth in W. Va. Code § 29-3-5, and State of West Virginia Title 87, Legislative Rule Series 4 (§ 87-4-1 et seq.), to read as follows:

Sec. 14-33. Adoption of state building code; exercise of authority beyond corporate limits.

(a) There is adopted the state building code as authorized by W.Va. Code § 8-12-13 and promulgated pursuant to W. Va. Code § 29-3-5b, and ~~as adopted on April 1, 2003,~~ by the State of West Virginia in Title 87, Legislative Rule Series 4 (§ 87-4-1 et seq.), State Building Code, as fully as if set forth at length in this section, which are collectively adopted by reference as if fully restated herein, and the provisions of such code sections and regulations shall be controlling within the city.

(b) The following amendments (~~insertions into blank spaces~~) are made and incorporated into the codes adopted ~~above~~ by 14-33(a) herein:

TABLE INSET:

International Building Code 2009:	
Section 101.1	Insert <u>into</u> [NAME OF JURISDICTION] "the City of Charleston"
Section 1612.3	Insert <u>into</u> [INSERT NAME OF JURISDICTION] "the City of Charleston" <u>Insert into</u> [INSERT DATE OF ISSUANCE] "April 3, 1985"
Section 3409.2	Insert <u>into blank space</u> "April 1, 2003"
Section 3412.2	<u>Insert into</u> [DATE TO BE INSERTED BY THE JURISDICTION] "July 1, 2010"
<u>Delete Section 101.4.5 Fire Prevention, in its entirety.</u>	
<u>Delete Section 113.3 Qualifications, in its entirety and replace with the following:</u>	

113.3 Qualifications. The Board of Appeals shall consist of five members, with up to three alternates, who are qualified to pass on matters pertaining to building construction and are not employees of the jurisdiction. They may include, but are not limited to, a WV Registered Professional Architect, or a WV Licensed General Building, Residential, Electrical, Piping, Plumbing, Mechanical or Fire Protection Contractor, with at least 10 year experience, five of which shall be in responsible charge or work.

International Residential Code 2009:

Section R101.1	Insert into [NAME OF JURISDICTION] "the City of Charleston"
Table R301.2(1)	Insert into blank spaces as follows:
	Roof <u>Ground Snow Load</u> - "30 psf"
	Wind Speed - "90 mph"
	Seismic Design Category - " BC "
	Weathering - "Severe"
	Frost Line Depth - "24 inch"
	Termite - "Moderate to Heavy"
	Decay - "Slight to Moderate"
	Winter Design Temperature - "11 degrees"
	<u>Ice Shield Underlayment</u> - No
	Flood Hazards - "see FIRM 1985 Floodplain Ordinance"
	<u>Air Freezing Index</u> - 500
	<u>Mean Annual Temp</u> – 54.5
	No. _____. <u>Topographic effects</u> – “No”
Section P2603.6.1	Insert into [NUMBER] “30 inches” and into [NUMBER] “12 inches”

Delete Section 303.5.1 Light Activation, in its entirety and replace with the following:
303.5.1 Light Activation. The control for activation of the required interior stairway lighting shall be accessible at the top and bottom of each stairway without traversing any steps. The illumination of exterior stairways shall be controlled from inside the dwelling unit. EXCEPTIONS: 1. Lights that are continuously illuminated or automatically controlled; 2. Interior stairways consisting of fewer than three steps.

International Plumbing Code 2009:	
Section 101.1	Insert into [NAME OF JURISDICTION] "the City of Charleston"
Section 106.6.2	Insert into [JURISDICTION TO INSERT APPROPRIATE SCHEDULE] " <u>See the Building Department Administrative Manual, Appendix A</u> "
Section 106.6.3	<u>In No.2 Insert into [SPECIFY PERCENTAGE] "100%"</u> <u>In No. 3 Insert into [SPECIFY PERCENTAGE] "100%"</u>
Section 108.4	Insert into [SPECIFY OFFENSE] "misdemeanor", Insert into [AMOUNT] "\$500", Insert into [NUMBER OF DAYS] "30 days"
Section 108.5	<u>Amend last sentence in paragraph to read as follows: Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine up to \$500.00</u> "
Section 305.6.1	Insert into [NUMBER] "30 inches", Insert into [NUMBER] "12 inches"
Section 904.1	Insert into [NUMBER] "12 inches"
International Mechanical Code 2009:	
Section 101.1	Insert into [NAME OF JURISDICTION] "the City of Charleston"
Section 106.5.2	Insert into [JURISDICTION TO INSERT APPROPRIATE SCHEDULE] " <u>See the Building Department Administrative Manual, Appendix A</u> "
Section 106.5.3	<u>In No.2 Insert into [SPECIFY PERCENTAGE] "100%"</u> <u>In No. 3 Insert into [SPECIFY PERCENTAGE] "100%"</u>
Section 108.4	Insert into [SPECIFY OFFENSE] "misdemeanor", Insert into [AMOUNT] "\$500", Insert into [NUMBER OF DAYS] "30 days"
Section 108.5	Insert "up to \$500- <u>Amend last sentence in paragraph to read as follows: Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine up to \$500.00</u> "
International Existing Building Code 2003:	
Section	Insert into [NAME OF JURISDICTION] "the City of Charleston"

101.1	
<u>Section 1301.2</u>	<u>Insert in [DATE TO BE INSERTED BY THE JURISDICTION] “July 1, 2010”</u>
<u>Section 1201.2</u>	<u>Insert “April 1, 2003”</u>
International Energy Conservation Code 2000 <u>3</u> :	
<u>Section 101.1</u>	<u>Insert into [NAME OF JURISDICTION] “the City of Charleston”</u>
International Fuel Gas Code 2000 <u>9</u> :	
<u>Section 101.1</u>	<u>Insert into [NAME OF JURISDICTION] “the City of Charleston”</u>
<u>Section 106.56.2</u>	<u>Insert into [JURISDICTION TO INSERT APPROPRIATE SCHEDULE] “See the Building Department Administrative Manual, Appendix A”</u>
<u>Section 106.56.3</u>	<u>In No.2 Insert into [SPECIFY PERCENTAGE] “100% ”</u> <u>In No. 3 Insert into [SPECIFY PERCENTAGE] “100%”</u>
<u>Section 108.4</u>	<u>Insert into [SPECIFY OFFENSE “misdemeanor”, Insert into [AMOUNT] “\$500”, Insert into [NUMBER OF DAYS] “30 days”</u>
<u>Section 108.5</u>	<u>Insert “up to \$500- Amend last sentence in paragraph to read as follows: Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine up to \$500.00”</u>
International Property Maintenance Code 2000 <u>9</u> :	
<u>Section 101.1</u>	<u>Insert into [NAME OF JURISDICTION] “the City of Charleston”</u>
<u>Section 103.65</u>	<u>Insert into [JURISDICTION TO INSERT APPROPRIATE SCHEDULE] “See the Building Department Administrative Manual, Appendix A”</u>
<u>Section 112.4</u>	<u>Amend last sentence in paragraph to read as follows: Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine up to \$500.00”</u>
<u>Section 302.4</u>	<u>Insert into (jurisdiction to insert height in inches) “10 inches”</u>

Section 303.14	Insert into [DATE] "January 1 st to December 31 st "
Section 602.3	Insert into [DATE] "January 1 st to December 31 st "
<u>Section 602.4</u>	<u>Insert into [DATE] "September 1st to June 1st"</u>

(c) Nothing in this section hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause of action acquired or existing, under any provision hereby repealed; nor shall any right or remedy of any character be lost, impaired or affected by this chapter.

The question being on the passage of the Bill a roll call was taken and there were; yeas – 24, nays-0, absent-4, as follows:

YEAS: Burka, Clowser, Davis, Deitzler, Deneault, Ealy, Hall, Higgins, Harrison, Harris, Jones, Kirk, Knauff, Lane, Payne, Reed, Reishman, Salisbury Sheets, Smith, Talkington, Weintraub, White, Mayor Jones.

ABSENT: Hanna, Miller, Russell, Ware,

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7426, as amended adopted.

STREETS AND TRAFFIC

Councilman Dave 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. 7424, and reports the same to Council with the recommendation that the bill do pass.

Bill 7424 - A Bill to establish a 4 Way STOP intersection at the intersection of 39th Street, S. E. and Staunton 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.

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

Section 1. A 4 Way STOP intersection at the intersection of 39th Street, S. E. and Staunton 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, 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.

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 were; yeas – 24, nays-0, absent-4, as follows:

YEAS: Burka, Clowser, Davis, Deitzler, Deneault, Ealy, Hall, Higgins, Harrison, Harris, Jones, Kirk, Knauff, Lane, Payne, Reed, Reishman, Salisbury Sheets, Smith, Talkington, Weintraub, White, Mayor Jones.

ABSENT: Hanna, Miller, Russell, Ware,

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7424, adopted.

2. Your Committee on Streets and Traffic has had under consideration Bill No. 7425 as amended, and reports the same to Council with the recommendation that the bill do pass.

Bill No. 7425 : A BILL to amend Chapter 114, Article VII, Division 1, Section 114-578 of the Municipal Code of the City of Charleston for the purpose of providing for temporary residential parking permits for certified health care providers administering in-home care to persons living in areas with residential parking restrictions.

Now, therefore, be it Ordained by the Council of the City of Charleston, West Virginia:

That Chapter 114, Article VII, Division 1, Section 114-578 of the Municipal Code of the City of Charleston is hereby amended to read as follows:

Sec. 114-578. Residential permit parking.

(a) *Residential permit parking area designation:* A residential permit parking area may only be established in areas of the city zoned R-O, R-2, R-4, R-6, and R-8. A residential permit parking area may be established by filing a petition with the city traffic engineering department upon a form to be prescribed by the traffic engineering department and approved by the city council streets and traffic committee. The cost of the permits must be stated on the form.

(1) The petition must contain the boundaries of the area sought for residential permit parking, the number of residential units in the area, the address of each residential unit in the area, the license numbers for all vehicles owned by the residents of each residential unit in the proposed area, and the reason that the residential permit parking area is requested. The petition must be signed by at least one resident of a minimum of 67 percent of the residential units in the proposed area. The petition must set forth the hours during which the applicant is seeking restricted residential permit parking.

(2) Residential permit parking may be sought for day time hours (8:00 a.m. to 6:00 p.m.), night time hours (6:00 p.m. to 8:00 a.m.), or on a 24 hours basis. A non-refundable filing fee of \$100.00 must accompany the petition. Upon filing, a copy of the petition shall be promptly provided to the ward councilperson.

(3) Upon receipt of the petition and the filing fee, the City of Charleston Traffic

Engineering Department shall verify the names, addresses, and vehicle information on the petition. The traffic engineering department shall then cause appropriate traffic surveys to be conducted in the area sought for residential permit parking. If the traffic engineering surveys find that on average 80 percent of the available on street parking spaces are occupied and more than 50 percent of the vehicles parked in the area belong to nonresidents, then the area is eligible for designation as a residential permit parking area, and the petition and the results of the survey shall be transmitted to the ward councilperson. The ward councilperson shall submit a bill to designate the area as a residential permit parking area to city council for consideration. The bill shall be referred to council's committee on streets and traffic which will report to council its recommendation. City council shall make its decision on whether to designate area based upon the recommendation from its committee on streets and traffic, the recommendation from traffic engineering, input from members of the public and any other material information.

(b) *Authorized permits:* If a residential permit parking area is established by city council, each residential unit in the residential permit parking area may obtain a maximum of two permits for specific vehicles owned by the residents. One visitor permit per residential unit may also be obtained. Owners of non residential buildings within the designated areas may purchase one visitor permit to be used by the owner or his or her designee. Exception: A resident experiencing a health condition or disability which substantially impairs the resident and results in a need for special in-home medical care and attention, including, but not limited to, assistance by family members or other caregivers, may request up to three additional visitor permits. The request shall be made by the resident to the Traffic Commander of the Charleston Police Department. Additional permits shall not be issued unless the resident is able to provide credible evidence satisfactory to the City of the qualifying health condition or disability and the necessity of special in-home medical care, attention and assistance; said evidence shall, at a minimum, consist of a signed statement from a physician verifying the health condition or disability and the necessity of the special in-home medical care, attention and assistance. The issuance of additional permits shall be at the discretion of the Traffic Commander of the Charleston Police Department based on the circumstances and evidence provided by the resident. Any additional permits issued pursuant to this exception shall be valid for the period of time approved by the traffic commander not to exceed a year. Additional permits shall cost \$25.00 per year. A resident may apply hereunder each year.

(1) Each permit will be valid for one year. The cost for each residential parking permit and visitor permit is \$25.00 per permit annually.

(2) The permits shall be issued and used in accordance with the residential permit parking policy established by council.

Notwithstanding the foregoing provisions, the Traffic Commander of the Charleston Police Department shall have discretion to issue a temporary permit, at no cost and not to exceed one calendar year unless thereafter renewed, to a licensed health care provider, including, but not limited to, a hospital, Hospice, doctor, nurse, or physical therapist, upon request by the provider and upon sufficient proof satisfactory to the City that the certified health care provider is administering necessary in-home medical care, attention or assistance to a person who resides in

a residential permit parking area.

(c) *Violations:* Any vehicle parking in a residential permit parking area in violation of the terms of this ordinance shall be subject to a fine of \$75.00 and/or shall be impounded in accordance with section 31-209. Vehicles of persons making deliveries or providing service, including but not limited to, home maintenance or repair, utility installation or repair, medical treatment or care, yard maintenance, or other similar services, to residential units within the permit area may be parked without a permit for the duration of the delivery or the provision of service.

(1) Any residential permit parking area in the City of Charleston established prior to the adoption of this ordinance shall be subject to the provisions of subparagraphs (b) and (c).

(d) *Decertification procedure:* A residential parking area may be decertified if at least one resident of a minimum of 67 percent of the residential units in the designated area sign and file a petition with the city traffic engineering department requesting elimination of the residential permit parking area designation. Such an application for decertification must be accompanied by a non-refundable filing fee of \$100.00. Upon receipt of the petition and the filing fee, the city traffic engineering department shall verify the names and addresses on the petition. Once the names and addresses are verified as area residential unit owners, a copy of the petition shall be promptly provided to the ward councilperson. The ward councilperson shall submit a bill to decertify the area as a residential permit parking area to city council for consideration. The bill shall be referred to council's committee on streets and traffic which will report to council its recommendation. City council shall make its decision on whether to decertify the area based upon the recommendation from its committee on streets and traffic, the recommendation from traffic engineering, input from members of the public and any other material information.

The question being on the passage of the Bill a roll call was taken and there were; yeas – 24, nays-0, absent-4, as follows:

YEAS: Burka, Clowser, Davis, Deitzler, Deneault, Ealy, Hall, Higgins, Harrison, Harris, Jones, Kirk, Knauff, Lane, Payne, Reed, Reishman, Salisbury Sheets, Smith, Talkington, Weintraub, White, Mayor Jones.

ABSENT: Hanna, Miller, Russell, Ware,

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7425, as amended, adopted.

FINANCE

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

1. Your Committee on Finance has had under consideration Resolution No 778-10, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 778 -10 : Authoring the Mayor to sign and submit an application to the West Virginia Department of Environmental Protection for a Recycling grant in an amount not to exceed \$150,000.00 for the purchase of one new recycling truck, and recycling education materials. This vehicle will replace a current vehicle scheduled for replacement. The recycling

education materials identify curbside recyclables handling instructions for 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 and submit an application to the West Virginia Department of Environmental Protection for a Recycling grant in an amount not to exceed \$150,000.00 for the purchase of one new recycling truck and recycling education materials to be used by the City of Charleston Refuse and Recycling Department. The educational materials identify curbside recyclables handling instructions for the City of Charleston to be passed out during trash bag distribution and at other appropriate opportunities.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas – 24, nays-0, absent-4, as follows:

YEAS: Burka, Clowser, Davis, Deitzler, Deneault, Ealy, Hall, Higgins, Harrison, Harris, Jones, Kirk, Knauff, Lane, Payne, Reed, Reishman, Salisbury Sheets, Smith, Talkington, Weintraub, White, Mayor Jones.

ABSENT: Hanna, Miller, Russell, Ware,

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 778-10 adopted.

2. Your Committee on Finance has had under consideration Resolution No 779-10, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 779-10: “Authorizing the Mayor to sign a Lease Agreement with Kanawha County Board of Education for use of space in the Martin Luther King Community Center to conduct Head Start programs, said authorization being granted by Resolution pursuant to the Municipal Code of the City of Charleston, Chapter 8, Article 12, Section 18 of the West Virginia Code of 1931, as amended, for a one year period starting July 1, 2010, and expiring at midnight of its first anniversary.”

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

That the Mayor is hereby authorized and directed to sign a Lease Agreement with Kanawha County Board of Education for use of space in the Martin Luther King Community Center to conduct Head Start programs, said authorization being granted by Resolution pursuant to the Municipal Code of the City of Charleston, Chapter 8, Article 12, Section 18 of the West Virginia Code of 1931, as amended, for a one year period starting July 1, 2010, and expiring at midnight of its first anniversary

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 779-10, adopted.

3. Your Committee on Finance has had under consideration Resolution No 780-10, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 780-10: “Authorizing the Mayor to enter into a Memorandum of

Understanding with eight (8) other participating agencies comprising the Metro Drug Enforcement Network Team (MDENT) that assist the Charleston area offices of the Drug Enforcement Administration, the Federal Bureau of Investigations and the Bureau of Alcohol, Tobacco, and Firearms to achieve maximum cooperation in combined law enforcement efforts to address drug and violent crime related offenses in and around the Charleston area.”

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 Memorandum of Understanding with eight (8) other participating agencies comprising the Metro Drug Enforcement Network Team (MDENT) that assist the Charleston area offices of the Drug Enforcement Administration, the Federal Bureau of Investigations and the Bureau of Alcohol, Tobacco, and Firearms to achieve maximum cooperation in combined law enforcement efforts to address drug and violent crime related offenses in and around the Charleston area.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 780-10, adopted.

4. Your Committee on Finance has had under consideration Resolution No 781-10, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 781-10: “Authorizing the Mayor to enter into an Agreement with Jimmy A. Dunn Excavating Company, in the amount of \$153,267, for the Woodhaven Bridge Replacement project.”

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 Jimmy A. Dunn Excavating Company, in the amount of \$153,267, for the Woodhaven Bridge Replacement project.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 781-10, adopted.

5. Your Committee on Finance has had under consideration Resolution No 782-10, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 782-10: “Authorizing the Mayor to sign a renewal of the contract with United Concordia for the City’s dental insurance for the period July 1, 2010 to June 30, 2011, at the budget rates listed on Attachment A (unchanged from last year). Also, the fee for *Administrative Services Only* remains the same at \$3.85 per employee per month.”

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

That the Mayor is hereby authorized and directed to sign a renewal of the contract with United Concordia for the City’s dental insurance for the period July 1, 2010 to June 30, 2011, at the

budget rates listed on Attachment A (unchanged from last year). Also, the fee for *Administrative Services Only* remains the same at \$3.85 per employee per month.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 782-10, adopted.

6. Your Committee on Finance has had under consideration Resolution No 783-10, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 783-10: “Authorizing the Mayor to sign a renewal agreement with Safety National Casualty Corporation/Commercial Insurance Services at the rate of .4781% of payroll, equating to an initial deposit premium of \$166,583, for the City’s Excess Workers’ Compensation Insurance for the period July 1, 2010 to June 30, 2011.”

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

That the Mayor is hereby authorized and directed to sign a renewal agreement with Safety National Casualty Corporation/Commercial Insurance Services at the rate of .4781% of payroll, equating to an initial deposit premium of \$166,583, for the City’s Excess Workers’ Compensation Insurance for the period July 1, 2010 to June 30, 2011.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 783-10, adopted.

7. Your Committee on Finance has had under consideration Resolution No 784-10, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 784-10: “Authorizing the Mayor to sign a letter of intent with the U.S. Army Corps of Engineers for Phase II of the Section 14 Riverbank Stabilization Project, pledging up to thirty-five percent (35%) as the City’s cost-share for this phase of 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 a letter of intent with the U.S. Army Corps of Engineers for Phase II of the Section 14 Riverbank Stabilization Project, pledging up to thirty-five percent (35%) as the City’s cost-share for this phase of the project.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 784-10, adopted.

8. Your Committee on Finance has had under consideration Resolution No 785-10, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 785-10: “Authorizing the Finance Director to amend the 2010-2011 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 amend the 2010-2011 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 – 24, nays-0, absent-4, as follows:

YEAS: Burka, Clowser, Davis, Deitzler, Deneault, Ealy, Hall, Higgins, Harrison, Harris, Jones, Kirk, Knauff, Lane, Payne, Reed, Reishman, Salisbury Sheets, Smith, Talkington, Weintraub, White, Mayor Jones.

ABSENT: Hanna, Miller, Russell, Ware,

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 785-10 adopted.

9. Your Committee on Finance has had under consideration Resolution No 786-10, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 786-10: “Authorizing the distribution of \$15,000 to the U.S. Army Corps of Engineers representing the City’s cost-share funds for final work relating to the Kanawha Riverbank Stabilization Project, pursuant to the letter of commitment signed by the Mayor as authorized by Resolution No. 364-08, passed by Council on April 21, 2008.”

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

That distribution of \$15,000 to the U.S. Army Corps of Engineers representing the City’s cost-share funds for final work relating to the Kanawha Riverbank Stabilization Project, pursuant to the letter of commitment signed by the Mayor as authorized by Resolution No. 364-08, passed by Council on April 21, 2008, is hereby approved.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 786-10, adopted.

10. Your committee on Finance has had under consideration a purchase of 10 computers, in the amount of \$15,381.60, from Dell Marketing, L.P., the vendor awarded the computer bid submitted on April 2, 2010. Six of the computers will replace current units in the Traffic Division of the Charleston Police Department and four will be distributed to other law enforcement agencies participating in the Metro Valley Safe Community Project. , and reports the same to Council with the recommendation that the Committee Report be adopted.

To be charged to the following accounts:

\$9,228.96 - Account No. 095-175-10-000-4-459, Police—Grant F10HS-08

\$6,152.64 - Account No. 095-175-10-000-3-341, Police—Grant F10HS-08

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

11. Your committee on Finance has had under consideration a bid submitted by Harris Brothers

Roofing, in the amount of \$30,030, for purchase of laminated/tempered safety glass for skylights at 601 Morris Street. To be charged to Account No. 222-975-00-440-4-458, Facilities Fund—Capital Outlay, Major Improvements , and reports the same to Council with the recommendation that the Committee Report be adopted.

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 Financial Statements for the Eleven-Month period ended May 31, 2010.
Received and Filed.

2. City Treasurer's Report to City Council Month Ending May 2010.
Received and Filed.

NEW BILLS

Introduced by Councilman Marc Weintraub on June 22, 2010:
Bill No. 7427 - A BILL to amend Chapter 78, Article I, Section 78-10 of the Municipal Code of the City of Charleston for the purpose of clarifying the definition of sexual orientation.
Refer to Ordinance and Rules.

ROLL CALL

YEAS: Burka, Clowser, Davis, Deitzler, Deneault, Ealy, Hall, Higgins, Harrison, Harris, Jones, Kirk, Knauff, Lane, Payne, Reed, Reishman, Salisbury Sheets, Smith, Talkington, Weintraub, White, Mayor Jones.

ABSENT: Hanna, Miller, Russell, Ware,

At 7:35 p.m., by a motion from Councilmember Harrison, Council adjourned until Tuesday, July 6, 2010, at 7:00 p.m.

Danny Jones, Honorable Mayor

James M. Reishman, City Clerk