

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

April 4, 2011

THE COUNCIL MET IN CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE FIRST MEETING IN THE MONTH OF APRIL ON THE 4th DAY, IN THE YEAR 2011, 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 HALL.

**BURKA
DEITZLER
HALL
HARRISON
KIRK
MILLER
REISHMAN
SHEETS
WARE
MAYOR JONES**

**CLOWSER
DENEALT
HANNA
HIGGINS
KNAUFF
PAYNE
SMITH
WEINTRAUB**

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

WITH 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.

PUBLIC SPEAKERS

John Ruddick – Charleston Area Alliance

CLAIMS

1. A claim of William Lee Jewett, 603 ½ Randolph St., Charleston, WV; alleges personal injury.

Refer to City Solicitor

2. A claim of John King, 6609 Roosevelt Ave., Charleston, WV; alleges damage to property.

Refer to City Solicitor

3. A claim of William Turner Jr., 11 Maple Leaf Circle, Charleston, WV; alleges damage to property.

Refer to City Solicitor

4. A claim of Vandalia Terrace Apartments, 1507 Dorchester Rd. #118, Charleston, WV; alleges damage to property.

Refer to City Solicitor

5. A claim of Donald Carter, 507 Glenwood Ave., Charleston, WV; alleges damage to property.

Refer to City Solicitor

6. A claim of Rhonda Clay, 26th Street, Charleston, WV; alleges damage to vehicle.

Refer to City Solicitor

7. A claim of Mildred Abbott, 212 Alethia St., Charleston, WV; alleges damage to property.

Refer to City Solicitor

8. A claim of Robert Clark, 511-A Nancy Street, Charleston, WV; alleges personal injury.

Refer to City Solicitor

9. A claim of Clifton Clark, 36 Eldorado Circle, Hurricane, WV; alleges damage to vehicle.

Refer to City Solicitor

10. A claim of Jeffery Matthews, 1712 Rayhill Dr., Charleston, WV; alleges damage to vehicle.

Refer to City Solicitor

The Clerk read the Proclamation:

EXECUTIVE DEPARTMENT
CITY OF CHARLESTON
PROCLAMATION
By the Mayor

- WHEREAS: April 11, 2011 marks the 43rd anniversary of the passage of the U.S. Fair Housing Law, Title VIII of the Civil Rights Act of 1968, which sets forth a national policy of Fair Housing without regard to race, color, religion, national origin, sex, familial status, and handicap, and encourages fair housing opportunities for all citizens; and
- WHEREAS: The Charleston Human Rights Municipal Ordinance establishes equal opportunity in the areas of public accommodations and in the sale, lease, rental and financing of housing as a human right or civil right of all persons without regard to race, religion, color, national origin, ancestry, sex, age, blindness, handicap, or sexual orientation; and
- WHEREAS: As demonstrated by City Council's action to expand the ordinance's protection against discrimination, citizens of Charleston recognize the continuing need to be vigilant against any discrimination against persons who may be prohibited from the rental or purchase of homes due to discriminatory attitudes or actions of others; and
- WHEREAS: The City of Charleston and the Charleston Human Rights Commission are committed to increasing awareness about the Fair Housing Law and the role of our Commission as a means through which our citizens know that discrimination in housing will be investigated and will not be tolerated in our city; and
- WHEREAS: People, who think they have been discriminated against, must understand that such discrimination is unacceptable in our city and will be investigated fully and fairly; and
- WHEREAS: All citizens of Charleston would benefit by becoming more familiar with fair housing laws, so that together, we can confront and eliminate discrimination in housing whenever it takes place and make the City of Charleston a more attractive place for all people to live;

NOW THEREFORE, I Danny Jones, Mayor of the City of Charleston, do hereby proclaim the month of April, 2011 to be

FAIR HOUSING MONTH

and urge all the citizens to combine and continue our efforts so that individuals who desire to live in the City of Charleston are able to live in a place they are proud to call "home," and realize their dreams of home ownership in a place free of all housing discrimination.

IN WITNESS WHEREOF, I have set my hand and caused the Seal of the Executive Department to be affixed this 4th day of April, 2011.

DANNY JONES, MAYOR

EXECUTIVE DEPARTMENT
CITY OF CHARLESTON
PROCLAMATION
By the Mayor

- WHEREAS: The Horace Mann Middle School String Orchestra includes more than 50 students who are learning to play violins, violas, cellos and the bass as they grow in appreciation for music history and performance; and
- WHEREAS: Under the direction of Mr. Ian Jessee, 34 of the students in the orchestra competed at the American String Teachers Association's international competition as part of the National Orchestra Festival in Kansas City, Missouri; and
- WHEREAS: On March 17, 2011, the Horace Mann Middle School String Orchestra performed and received a *Superior* rating along with the *First Place* designation as the winner of this international competition; and
- WHEREAS: Mr. Jessee, an accomplished musician with the West Virginia Symphony Orchestra, has directed and taught Horace Mann Middle School's string musicians for 13 years, leading several hundred students into greater appreciation of all kinds of music and greater skills in performance; and
- WHEREAS: This national and international recognition follows years of outstanding performances in West Virginia and beyond, solidifying the reputation of this Orchestra as the best of its kind; and
- WHEREAS: With leadership from Mr. Jesse and school principal, Mr. Mickey Blackwell, Horace Mann Middle School is instilling within these young people an appreciation of orchestral music, providing opportunities for these students to develop and display their talents and creating an environment where students with musical skills are encouraged to thrive.

NOW THEREFORE, I, Danny Jones, Mayor of the City of Charleston, on behalf of the citizens and elected leaders of Charleston, do hereby extend public congratulations and appreciation to the members and leaders of the

HORACE MANN MIDDLE SCHOOL
STRING ORCHESTRA

For their championship in this international competition and dedication to making superior music now and in the future.

IN WITNESS WHEREOF, I have set my hand and caused the Seal of the Executive Department to be affixed this 4th day of April 2011.

DANNY JONES, MAYOR

The Clerk read the appointment.

TO: JAMES REISHMAN
CITY CLERK

FROM: DANNY JONES
MAYOR

RE: SPRING HILL CEMETERY PARK COMMISSION

DATE: APRIL 4, 2011

I recommend that Richard Andre, 1639 Ravina Road, Charleston, WV 25314, be reappointed to the Spring Hill Cemetery Park Commission, with a said term to expire April 6, 2017.

I respectfully request City Council's approval of this recommendation.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the appointment confirmed.

TO: JAMES REISHMAN
CITY CLERK

FROM: DANNY JONES
MAYOR

RE: KANAWHA VALLEY REGIONAL TRANSPORTATION AUTHORITY

DATE: APRIL 4, 2011

I am recommending that John Miller Jr., 3508 Virginia Avenue, Charleston 25304, be appointed the Kanawha Valley Regional Transportation Authority, with an initial term to expire December 31, 2013. He is replacing Jewell Bailey.

I respectfully request City Council's approval of this recommendation.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the appointment confirmed.

MISCELLANEOUS RESOLUTIONS

Resolution No. 929-11

Introduced in Council

Passed by Council

April 4, 2011

Introduced by

Tom Lane and Lewis Payne

WHEREAS, the City of Charleston has adopted as one of its goals for 2011 to make Charleston one of the healthiest cities in America; and

WHEREAS, the Charleston Land Trust has developed a comprehensive plan for establishing hiking, biking, jogging and walking trails in Charleston and the surrounding area; and

WHEREAS, the City is developing a plan to mark the bike trails and bike lanes in Charleston, one of which is along MacCorkle Avenue from 35th Street to Patrick Street.

NOW THEREFORE, the City of Charleston does hereby urge that the State of West Virginia join with the City in its efforts to establish recreational trails and bike lanes along appropriate public streets, and accordingly, further urges the State of West Virginia to mark biking and jogging lanes on the berm of MacCorkle Avenue from 35th Street to Patrick Street.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 929-11, adopted.

Resolution No. 930-11

Introduced in Council

Passed by Council

April 4, 2011

Introduced by

Tom Lane and Lewis Payne

WHEREAS, the City of Charleston has adopted as one of its goals for 2011 to make Charleston one of the healthiest cities in America; and

WHEREAS, the American Heart Association annually sponsors the National Start Walking Day on the first Wednesday in April; and

WHEREAS, Wednesday, April 6, 2011, is designated as this year's National Start Walking Day; and

WHEREAS, the Charleston Land Trust is developing lists of great walking trails in the City.

NOW THEREFORE, the City of Charleston does hereby encourage its citizens to ditch their desks, get up from their chairs, take a brisk walk for 30 minutes, resolve to walk briskly five times a week, and take advantage of Charleston's great walking trails.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 930-11, adopted.

Resolution No.931-11

Introduced in Council

Passed by Council

April 4, 2011

Introduced by

Referred to:

Bobby Reishman

Resolution No. 931-11, " Appointing a Select Committee of Council to perform certain functions for the Council in the City of Charleston General Election to be held on May 17, 2011."

WHEREAS, the code of West Virginia, 1931 as amended, requires the Council of a municipality to perform certain functions in the conduct of an election; and

WHEREAS, the size of Council makes it impractical to perform these functions as a body, and the West Virginia Secretary of State has directed that such functions be done by committee; NOW THEREFORE,

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

That Robert Reishman, Chairman, Teresa Reed and Jerry Ware, members of the Council of the City of Charleston, West Virginia, are hereby appointed as the Select

Committee to perform all required functions in connection with the City of Charleston General Election to be held on May 17, 2011, including but not limited to a canvass of votes cast.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 931-11, adopted.

PLANNING

Councillperson Mary Jean Davis, Chairperson of the Council Committee on Planning, submitted the following reports.

1. Your Committee on Planning has had under consideration Bill 7455, and reports the same to Council with the recommendation that the bill do pass.

Bill No. 7455 – A Bill amending sections 1.2, 2.3, 3.1, 4.1, and 4.2 of the rules of procedures and policy of the Municipal Planning Commission. Rules and procedures may be adopted by the Municipal Planning Commission and approved by City Council pursuant to the authority given to the Commission by Section 8A-2-11 of the State Code, Section 90-36 of the City Code and Section 28-030 of the Zoning Ordinance

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

1. The rules and procedures of the Municipal Planning Commission are hereby amended as follows:

1.3 Authority

These rules of procedure and policy have been adopted by the Commission pursuant Section 8A-2-11 of the State Code, Section 90-36 of the City of Charleston Code, and Section ~~26-5~~ 28-030 of the Zoning Ordinance of the City of Charleston.

2.3 Recording of Minutes

Commission meetings are recorded electronically ~~on tape~~. As a matter of general policy, the proceedings are not transcribed. Anyone wishing a legal transcription must provide a court reporter at his/her own expense. Copies of recordings ~~tapes~~ and minutes of Commission meetings shall be furnished upon written request. There will be a charge as necessary to recover the cost of making such copies. (Note: Commission minutes are not final until approved by the Commission at the subsequent meeting).

3.1 Regular Meetings

The Commission will meet regularly on the Wednesday following the first Monday of each month and shall begin its meetings at 3:00p.m. in the ~~Council Chambers of City Hall~~ City Service Center Conference Room ~~at the intersection of Court and Virginia Streets~~ 915 Quarrier Street.

4.1 Order of Business

The general rule as to the order of business in regular meetings shall be as follows, unless modified by the Commission or the Staff pursuant to the provisions below:

- Call to Order
- Unfinished Business
- New Business
 - Subdivisions
 - Rezoning
 - ~~Special Permits~~
 - DSI and MDSI
 - Temporary Permits
 - Street and Alley Closings
 - Text Amendments
- Other Items
- Approval and or Correction to Minutes of the Previous Meeting
- Announcements
- Adjournment

If there is more than one request pertaining to a particular project or property, the requests may be arranged consecutively on the agenda.

4.2 Agenda

Items may be placed on the agenda by either the Chairperson or Staff. Requests for rezonings, text amendments, ~~special permits~~ DSI, MDSI and subdivisions must be filed with staff on or before the appropriate filing deadline. All other requests must be filed in writing at least four (4) calendar days prior to the hearing.

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

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

ABSENT: Russell

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7455, passed.

2. Your Committee on Planning has had under consideration Bill 7456, and reports the same to Council with the recommendation that the bill do pass.

Bill No. 7456. A Bill amending Section 4-090 (K) of the Subdivision Ordinance of the City of Charleston, West Virginia dated August 1, 2008, to add the requirement for a meets and bounds description of streets on the final plat of a subdivision and on all requests for streets to be dedicated to the City of Charleston, said document shall be

kept on file in the Charleston Planning Department and City Clerk's Office

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CHARLESTON, WEST VIRGINIA:

Section 4-090 (K) of the Subdivision Ordinance of the City of Charleston, West Virginia dated August 1, 2008 is amended as follows:

Street Dedication

The developer shall be required to file a separate application for the acceptance and dedication of the streets within the subdivision into the street system of the City. All final plats and applications for street dedications must include a meets and bounds description of each street right of way by a WV Licensed Surveyor. Upon dedication of a street to the City of Charleston and acceptance of the street right of way by City Council, the meets and bounds description of the accepted street or right of way will be conveyed to the County Assessor's Office for tax purposes. Maintenance of the streets within the subdivision shall be the sole responsibility of the developer until formal acceptance of the streets is approved by City Council. A street will be not be considered for dedication until a minimum of eighty percent (80%) of all the approved parcels with frontage on the proposed street to be dedicated have been developed with structures approved by the City. The driveways connecting to the street to be dedicated shall have approved drainage facilities as required by the City Engineer. The street shall not exceed the maximum allowed street grade as specified in this Ordinance, shall meet the minimum street width paving requirements as outlined in this Ordinance, shall connect to an existing City street or State road, shall be paved to specifications as outlined in this Ordinance, and dead-end streets shall have a turnaround as outlined in this Ordinance.

All prior inconsistent ordinances, rules and resolutions are hereby repealed.

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

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

ABSENT: Russell

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7456, passed.

ORDINANCE AND RULES

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

Bill No. 7459:“A BILL to amend Chapter 82, Article I, Section 82-4 of the Municipal Code of the City of Charleston increasing the rates for facility rental for the Charleston Civic Center and the Charleston Municipal Auditorium.

WHEREAS, the Civic Center/Auditorium Board voted on March 2, 2011, to increase the rental rates at the Charleston Civic Center and the Municipal Auditorium; and

WHEREAS, under the provisions of Chapter Eight, Article Sixteen, Section Eighteen of the Code of the State of West Virginia, this Council is required to enact an ordinance setting forth a schedule of fees for facilities in the Municipal Auditorium and the Charleston Civic Center;

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

That effective May 1, 2011, Chapter 82, Article I, Section 82-4 of the Municipal Code of the City of Charleston is hereby amended to increase the rates for facility rental for the Charleston Civic Center and the Charleston Municipal Auditorium to read as follows:

Sec. 82-4. Schedule of rates and rentals.

(a) The following schedule of rates and rentals for the use of the services and facilities of the municipal auditorium and the civic center, owned and operated by the city, including any additions, extensions or improvements is established:

- (1) Municipal auditorium (3,483 permanent seats):
 - a. Regular rate, per day or evening or 10 percent of gross admissions, after taxes, whichever is greater . . . \$1,250.00
 - b. Regular rehearsal . . . 650.00
 - c. Cultural rate . . . 1,000.00
 - d. Cultural rehearsal . . . 550.00
 - e. Preceding rates include only space, air conditioning and janitorial services.
 - f. Qualified technicians, approved by the center, are required for handling all lightings, sound and stage at the lessees cost.
 - g. In addition to the charges set forth above a capital improvement fee will be imposed upon the event ticket price as follows:

\$0.00-\$9.99 . . .	\$0.00
\$10.00--\$19.991.00
\$20.00--\$39.991.50
\$40.00 and up2.00

A fee of \$50.00 will be imposed for all full day rentals not qualifying under ticket fees.
 - h. All receipts from this capital improvement fee shall be dedicated to a special fund to be used solely for capital improvements at the

municipal auditorium. Such special fund to be established by the city.

- (2) Coliseum (seats up to 13,500 concerts, 12,500 basketball):
- a. Regular rental rate (all usage except those qualifying under b., c., d., e., f., g., or h.), per day or evening. . . \$4,500.00
or 12 percent of gross admissions, after taxes, whichever is greater.
 - b. Local charitable and cultural events as approved by the civic center-auditorium board, per day or evening . . . ,2,500.00
 - c. Local high school basketball games . . . 650.00
Or 50 percent of the first \$1,500.00, whichever is greater plus ten percent of gross receipts after taxes over \$1,700.00
 - d. High school doubleheaders (team not of same school) . . . 750.00
Or 50 percent of the first \$1,700.00, whichever is greater, plus ten percent of gross receipts after taxes over \$1,700.00
 - e. Junior varsity high school as a preliminary game . . . 100.00
 - f. Local college basketball games . . . 1,250.00
Or ten percent of gross receipts, after taxes, whichever is greater
 - g. College preliminary games of same school . . . 250.00
 - h. Exhibit shows (using floor space) . . . 3,500.00
All rates are for space rentals and include heat, air conditioning, lights and janitorial services.
 - i. In addition to the charges set forth above a capital improvement fee will be imposed upon the event ticket price as follows:
 - \$0.00--\$9.99 0.00
 - \$10.00--\$19.99 . . . 1.00
 - \$20.00--\$39.99 . . . 1.50
 - \$40.00 and up 2.00
 - j. All receipts from this capital improvement fee shall be dedicated to a special fund to be used solely for capital improvements at the Charleston Civic Center. Such special fund to be established by the city.

- (3) a. Meeting rooms coliseum:
- Parlor A (1,469 sq. ft.) . . . \$275.00
 - Parlor B (1,320 sq. ft.) . . . 275.00
 - Parlor C (1,320 sq. ft.) . . . 275.00
 - Parlor D (2,700 sq. ft.) . . . 300.00
 - Parlor E (870 sq. ft.) . . . 150.00
- Preceding rates on meeting rooms include heat, air conditioning, lights and janitorial services.
- b. In addition to the charges set forth above, a capital improvement fee of \$5.00 will be imposed upon the rental rate. All receipts from this capital improvement fee shall be dedicated to a special fund to be used solely for capital improvements at the Charleston Civic Center.

(4) Exhibition Hall:

- a. Grand Hall (50,086 sq. ft.), daily rate . . . \$3,600.00
Or 12 percent of gross ticket sales after taxes
- b. North or South Hall (19,285 sq ft.) . . . 1,375.00
Or 12 percent of gross ticket sales after taxes
- c. West Hall I or II (5,767 sq. ft.) . . . 450.00
Or 12 percent of gross ticket sales after taxes
- d. WV Rooms:
 - Room 103 (1,012 sq. ft.) . . . 100.00
 - Room 104 (2,534 sq ft.) . . . 165.00
 - Room 105 (3,120 sq. ft.) . . . 400.00
 - Room 103--105(6,666 sq. ft) . . . 650.00
- e. Conference rooms:
 - Room 202 (971 sq. ft.) . . . 300.00
 - Room 203 (971 sq. ft.) . . . 300.00
 - Room 204 (971 sq. ft.) . . . 300.00
 - Room 205 (971 sq. ft.) . . . 300.00
 - Room 202--205 (3,884 sq. ft.) . . . 1,000.00
 - Room 206 (1,271 sq. ft.) . . . 225.00
 - Room 207 (502 sq. ft.) . . . 100.00
 - Room 208 (502 sq. ft.) . . . 100.00
 - Room 209 (502 sq. ft.) . . . 100.00
 - Room 207--209 (1,506 sq. ft.) . . . 250.00

All rates are for space rentals and include heat, air conditioning, lights and janitorial services.

- f. In addition to the charges set forth above a capital improvement fee in accordance with the following schedule will be imposed upon the rental rate:
 - Coliseum . . . 50.00 (for rental not qualifying under ticket fees)
 - Grand Hall . . . 50.00
 - North or South Hall . . . 25.00
 - West Virginia rooms, each . . . 5.00
 - Conference rooms, each . . . 5.00
 - West Halls I or II, each . . . 25.00
- g. All receipts from this capital improvement fee shall be dedicated to a special fund to be used solely for capital improvements at the Charleston Civic Center.

(5) Civic theater (738 permanent seats):

- a. Regular rate, per day or evening or ten percent gross admissions, after taxes, whichever is greater . . . 675.00
- b. Regular rehearsal . . . 350.00
- c. Cultural rate . . . 400.00
- d. Cultural rehearsal . . . 150.00

- e. Meeting rate, (less than four consecutive hours, no access to stage.) . . . 450.00
- f. Above rates include only space, heating, air conditioning and janitorial services.
- g. Qualified technicians, approved by the center, are required for handling all lighting, sound and staging at the lessees cost.
- h. In addition to the charges set forth above, a capital improvement fee of \$25.00 will be imposed upon the rental rate for the full rental or cultural performances only. All receipts from this capital improvement fee shall be dedicated to a special fund to be used solely for capital improvements at the Charleston Civic Center.

(b) The fees used to establish the capital improvement funds for the Charleston Civil Center (CCC) and the municipal auditorium (MA) are to be used to fund CCC and MA building improvements and renovations, repairs and replacements of equipment or mechanical systems that are not normally provided in regular operation budgets. Items costing less than \$15,000.00 will be funded from ordinary operating budget unless they are unexpected. The funds are not to be used to fund ordinary maintenance and repairs. The funds are not considered to be in lieu of ordinary maintenance and capital improvements items traditionally included in the CCC and MA budgets.

(c) Special arrangements and exceptional conditions, which call for a different fee being charged than what is specified in this ordinance, can be negotiated by the manager subject to board approval.

(d) All other rates, fees, rentals and other charges incidental to the operation of said facilities shall be set and approved by the civic center-auditorium board, pursuant to the provisions of Chapter Two, Article Seven, Section 553 of the Code of the City of Charleston.

The Committee recommended that the Bill do pass but first be referred to the Finance Committee of Council. The Mayor referred the Bill to Finance for final Consideration.

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 7430, and reports the same to Council with the recommendation that the bill do not pass.

Bill 7430 - A Bill to prohibit right turns by southbound vehicles on Summit Drive at White Oak 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, 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. Right turns by vehicles southbound on Summit Drive at White Oak Road are hereby prohibited.

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; Nays – 27, absent-1, as follows:

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

ABSENT: Russell

With a majority of members elected recorded thereon as voting in the negative the Mayor declared Bill No. 7430 denied.

2. Your Committee on Streets and Traffic has had under consideration Bill 7452, and reports the same to Council with the recommendation that the bill do not pass.

Bill No. 7452 - A Bill to establish a No Parking Anytime Tow Away zone on Ariel Heights, 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 No Parking Anytime Tow Away zone on Ariel Heights 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; Nays – 27, absent-1, as follows:

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

ABSENT: Russell

With a majority of members elected recorded thereon as voting in the negative the Mayor declared Bill No. 7452 denied.

3. Your Committee on Streets and Traffic has had under consideration Bill 7459, and reports the same to Council with the recommendation that the bill pass.

Bill No. 7459 - A Bill to create a No Parking Anytime Tow Away zone on the North side of 26th Street, SE. between Cherokee Avenue and Frontage 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, Section 263, Division 2, Article 4, and Chapter 114, to conform therewith.

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

Section 1. A No Parking Anytime Tow Away zone on the North side of 26th Street, SE. between Cherokee Avenue and Frontage 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 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 – 27, absent-1, as follows:

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

ABSENT: Russell

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7459 passed.

FINANCE

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

1. Your Committee on Finance has had under consideration Resolution No 932-11, and reports the same to Council with the recommendation that the committee report be adopted

Resolution No. 932-11 _____: “Authorizing the Finance Director to amend the 2010-2011 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 amend the 2010-2011 Parking System 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 – 27, absent-1, as follows:

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

ABSENT: Russell

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 932-11, adopted.

2. Your Committee on Finance has had under consideration Resolution No 933-11, and reports the same to Council with the recommendation that the committee report be adopted

Resolution No. 933-11 _____: “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 – 27, absent-1, as follows:

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

ABSENT: Russell

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 933-11, adopted.

3. Your Committee on Finance has had under consideration Resolution No 934-11, and reports the same to Council with the recommendation that the committee report be adopted

Resolution No. 934-11 _____ – “Authorizing the Mayor to enter into an agreement with the West Virginia Department of Transportation, Division of Highways, said authorization being granted by Resolution pursuant to the Municipal Code of the City of Charleston

Chapter 3, Article II, Section 3-12.

WHEREAS, the City of Charleston Strong Neighborhoods Task Force, FestivALL, and West Side Main Street desire to beautify the bridge piers beneath Interstate 64 at Washington Street; and

WHEREAS, said bridge piers are owned by the West Virginia Department of Transportation, Division of Highways; and

WHEREAS, local artists are to be commissioned to paint murals representing Charleston's history on said bridge piers; and

WHEREAS, funding for the project is being secured through grants and donations; and

WHEREAS, the City of Charleston is the lead agency on the project; now, therefore

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

That upon final review and approval of the *West Virginia Department of Transportation, Division of Highways Agreement, City of Charleston Murals, Kanawha County* form by Counsel, the Mayor is hereby authorized to sign said agreement.”

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 934-11, adopted.

4. Your Committee on Finance has had under consideration Resolution No 935-11, and reports the same to Council with the recommendation that the committee report be adopted

Resolution No. 935-11: “Authorizing the Mayor to renew the Irrevocable Letter of Credit from City National Bank in the amount of \$328,000 for bonding of the permitted acreage at the City Landfill; and further authorizing payment of the premium in the amount of \$3,280 for the period July 1, 2011 to June 30, 2012. The premium is due annually with reimbursement to the City by Landfill Services of Charleston.”

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

That the Mayor is hereby authorized and directed to renew the Irrevocable Letter of Credit from City National Bank in the amount of \$328,000 for bonding of the permitted acreage at the City Landfill; and further authorizing payment of the premium in the amount of \$3,280 for the period July 1, 2011 to June 30, 2012. The premium is due annually with reimbursement to the City by Landfill Services of Charleston.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 935-11, adopted.

5. Your Committee on Finance has had under consideration a proposal submitted by Electronic Specialty Company, in the amount of \$14,118.68, for purchase and installation of software to replace the existing Secure Perfect Access Control Security Management System with the Facility Commander WnX System, including all components and licenses necessary to upgrade the City parking facilities and other areas utilizing the security system. To be charged to Account No. 406-571-00-000-4-459—Parking—Capital Outlay, Equip. , 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.

6. Your Committee on Finance has had under consideration a bid submitted by Andrews Floor Covering Company, in an amount not to exceed \$84,330.40, for purchase and installation of carpet for the conference rooms in the Charleston Civic Center. To be charged to Account No. 402-910-01-000-4-458, Civic Center—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.

7. Your Committee on Finance has had under consideration a bid submitted by Graybar Electric Co., in the total amount of \$207,868.00 for purchase of various lights and related components (\$199,868.00), for installation by the City construction crew at Haddad Riverfront Park; and purchase of COC Offices Control with Network (\$8,000 / Alternate 1). To be charged to the following accounts: \$ 62,117.00 - Account No. 088-975-02-000-4-458, Haddad Riverfront Park—Capital Outlay, Major Improvements (Stage) \$145,751.00 - Account No. 088-975-00-000-4-458, Haddad Riverfront Park—Capital Outlay, Major Improvements (Canopy) , 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.

8. Your Committee on Finance has had under consideration a bid submitted by OP Aquatics for purchase of pool chemicals on an as needed basis by the Parks & Recreation Department for use in City swimming pools, at the following prices:

Chlorine Tablets	\$108.00 / 55 lb. container
Stabilizer	\$ 59.54 / 45 lb. container
Muriatic Acid	\$ 12.66 / case (4 1-gal. containers)
Calcium Chloride	\$ 12.61 / 50 lb. bags
Granular Chlorine	\$150.00 / 100 lb container
Liquid Chlorine	\$ 10.14 / case (4 5-gal. containers)

Diatomaceous Earth	\$ 16.00 / 50 lb. bag
Sodium Carbonate	\$ 16.14 / 50 lb. bag
Sodium Bicarbonate	\$ 12.95 / 50 lb. bag

To be charged to Account No. 001-900-00-000-3-341, P&R—Materials & Supplies, 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.

9. Your Committee on Finance has had under consideration a proposal submitted by Stephens Auto Center, in the amount of \$30,250, for purchase of two (2) 2011 Ford Fusion vehicles (\$15,125 each) for administrative use by the Charleston Fire Department. Funds for the vehicles are available in BB&T Lease/Purchase Contract No. 003-0306453-002 and charged to Account No. 001-976-00-706-4-459, Fire—Capital Outlay, Lease/Purchase Equipment, 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.

NEW BILLS

Introduced by Council members Joe Deneault, Bobby Reishman, Dave Higgins, Susie Salisbury, Adam Knauff, Lewis Payne, Teresa Reed, Bob White, William Kirk, Mary Jean Davis, Ed Talkington, Rick Burka, Tom Lane, William Hanna, Jerry Ware, Jack Harrison, Kasey Russell, John Miller on April 4, 2011:

Ordinance No.7462 - A Bill to revise and amend Charleston City Code, Section 10-163(b) by changing the number of days an impounded animal must be held at the Kanawha-Charleston Humane Association prior to the owner forfeiting the animal to the Humane Association from ten days to five days in order to bring the ordinance into compliance with the number of days a dog must be held from other jurisdictions and reduce the likelihood that the animal will become sick and have to be euthanized. Refer to Ordinance and Rules Committee and Public Safety Committee.

Introduced by Councilman John Miller, Jr. on April 4, 2011:

Bill No. 7463- A Bill to establish 30 Degree Angle Parking on the Easterly side of 57th Street South East from MacCorkle Avenue, Southeast. to Kanawha Avenue 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 Robert Sheets on April 4, 2011:
Bill No. 7464 - A Bill to establish a No Parking Anytime Tow Away zone on the Northerly Side of Lee Street, East from Morris Street to a point of 175 feet East of Morris 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 Bobby Reishman on April 4, 2011:
Bill No. 6465: "A BILL to amend Chapter 86, Article II, Division 6, Section 86-161 of the Municipal Code of the City of Charleston, as amended, for the purpose of making city code consistent with West Virginia State Code governing paid holidays.
Refer to Ordinance and Rules and Finance Committee.

Introduced by Councilman David Higgins on April 4, 2011:
Bill No. 7466: "A BILL to amend Chapter 114, Article VII, Division 2, Section 114-602 of the Municipal Code of the City of Charleston, as amended, allowing for the rental of additional spaces located in the Summers Street alley.
Refer to Ordinance and Rules and Streets and Traffic Committee.

ROLL CALL

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

At 8:00 p.m., by a motion from Councilmember Harrison, Council adjourned until Monday, April 18, 2011, at 7:00 p.m.

Danny Jones, Honorable Mayor

James M. Reishman, City Clerk