

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

MAY 7, 2012

THE COUNCIL MET IN CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE FIRST MEETING IN THE MONTH OF MAY ON THE 7th DAY, IN THE YEAR 2012, 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 REISHMAN.

**BURKA
DAVIS
EALY
KIRK
MINARDI
REISHMAN
SALISBURY
SNODGRASS

MAYOR JONES**

**BURTON

HAAS
LANE
NICHOLS
RICHARDSON
SHEETS
STAJDUHAR
WEINTRAUB**

**CLOWSER
DODRILL
HARRISON
MILLER
PERSINGER
RUSSELL
SMITH
TALKINGTON
WHITE**

WITH TWENTY- SIX MEMBERS BEING PRESENT, THE MAYOR DECLARED A QUORUM.

PENDING THE READING OF THE JOURNAL OF THE PREVIOUS MEETING, THE READING THEREOF WAS DISPENSED WITH AND THE SAME DULY APPROVED.

PUBLIC SPEAKERS

1. Dickenson Ghould – East End Main Street

CLAIMS

1. A claim of Darla G. Hodges, 33 Beaver Dr., Hurricane, WV; alleges damage to vehicle.
Refer to City Solicitor
2. A claim of Charles Shelton, 510 Stockton Street, Charleston, WV; alleges damage to property.
Refer to City Solicitor
3. A claim of Kevin D. Myers of 2010 7th Ave Apt B, Charleston, WV; alleges damage to vehicle.
Refer to City Solicitor
4. A claim of Timothy J. Crowder, 507 Nugent Ln., Pratt, WV; alleges damage to vehicle.
Refer to City Solicitor
5. A claim Kimberly J. Simons, 386 Panther Ln., Sandyville, WV; alleges personal injury.
Refer to City Solicitor
6. A claim of Douglas T. Davis, III of 423 21st Street, Charleston, WV; alleges damage to property.
Refer to City Solicitor
7. A claim of Kim Ray Suthers, 1614 Lexington Dr. Charleston, WV; alleges damage to property.
Refer to City Solicitor
8. A claim of Ryan Whittington, 2150 Lilly Dr., Charleston, WV; alleges damage to vehicle.
Refer to City Solicitor
9. A claim of Betty Lovejoy, 3315 Noyes Ave., Charleston, WV; alleges damage to property.
Refer to City Solicitor

COMMUNICATIONS

Bill Withdraw:

TO: JAMES REISHMAN, CITY CLERK
FROM: DAN VRIENDT, PLANNING DIRECTOR
RE: BILL# 7500- WITHDRAWN
DATE: APRIL 14, 2012

The petitioner of Bill No. 7500, A bill to amend the Zoning Ordinance of the City of Charleston, West Virginia, by rezoning from an R-4 district to an R-6 district, certain parcel of land situate at 210 Oakwood Road, Charleston, West Virginia, has respectfully requested the Bill be withdrawn.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7500, officially withdrawn.

TO: JAMES REISHMAN, CITY CLERK
FROM: DANNY JONES, MAYOR
RE: HUMAN RIGHTS COMMISSION
DATE: MAY 7, 2012

I recommend that Marion Delores Johnson, 900 Edwards Street, Charleston, 25311, be reappointed to the Human Rights Commission, with an initial term to expire June 30, 2014. 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 RESOLUTION

Resolution No. 135-12 _____ :

Introduced in Council:

Adopted by Council:

May 7, 2012

May 7, 2012

Introduced by:

Referred from:

Susie Salisbury, Jerry Ware
John Miller, Kasey Russell,
Andy Richardson, Courtney
Persinger, Brent Burton, Mike
Stajduhar, Shannon Snodgrass

Parks and Recreation

Resolution No. 135-12: "A Resolution in support of a Parks and Recreation Department policy regarding smoking at public events held in Haddad Riverfront Park.

WHEREAS, the City of Charleston encourages its residents and visitors to attend and participate in public events held in Haddad Riverfront Park; and

WHEREAS, the City of Charleston recognizes that there should be a reasonable balance between the needs of persons who smoke, and the needs of nonsmokers to be free from unwelcomed second-hand smoke while attending public events;

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

That the City of Charleston hereby declares its support for the following Parks and Recreation Department policy regarding smoking at public events held in Haddad Riverfront Park, and authorizes the Director of the Parks and Recreation Department to enforce the policy during Public Events.

City of Charleston Parks and Recreation Department
Haddad Riverfront Park Smoking Policy

The purpose of this policy is to strike a reasonable balance between the needs of persons who smoke, and the needs of nonsmokers to be free from unwelcome second-hand smoke while attending Public Events at Haddad Riverfront Park.

Section 1 - Definitions:

“Public Event” means any event open for the general public including, but not limited to, concerts, exhibitions, sporting events, fairs or festivals, conducted for the purpose of attracting revenue, support, awareness, and/or for entertainment purposes, and created by and/or for the general public.

“Haddad Riverfront Park” is defined as the publicly owned area from the northern shore of the Kanawha River, extending up to Kanawha Boulevard, including the southerly sidewalk of Kanawha Boulevard, between Court Street, including the Court Street overlook and pavilion, and Capitol Street.

“Smoking” means possessing a lighted pipe, lighted cigar, or lighted cigarette of any kind, or the lighting of a pipe, cigar, or cigarette of any kind containing any tobacco product or any other weed or plant.

Section 2 – Smoking prohibited at Public Events

It is the policy of the City of Charleston that Smoking is prohibited within Haddad Riverfront Park during Public Events.

Section 3 – Enforcement

A violation of this policy shall be considered to have occurred when a person continues Smoking after having been given a verbal warning from either a representative of the Parks and Recreation Department or a police officer to discontinue Smoking.

Any person violating this policy may be subject to immediate ejection from the Public Event.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the Resolution No. 135-12, adopted.

May 7, 2012

Introduced by:

John Miller, Mary Jean Davis, Brent Burton, Tom Lane, Jack Harrison, Sam Minardi, Courtney Persinger, Bobby Reishman, Susie Salisbury

WHEREAS: The George Washington High School Concert Band, under the direction of Mark Hardman, was named a High School Honor Band for West Virginia by the West Virginia Music Educators Association; and

WHEREAS: The band submitted a recorded audition to the WVMEA to be judged by a panel of experts, and among all the auditions submitted, the GW Concert Band was selected as the best high school band in the state of West Virginia; and

WHEREAS: As a result, the GWHS Concert Band was invited to attend the West Virginia Music Educators Conference in Morgantown in mid-March to present a special concert for music educators from throughout the state; and

WHEREAS: In addition to playing at the high school and the conference in Morgantown, the GWHS Concert Band has also played at the Clay Center for the Arts and Sciences at a free concert just last week that demonstrated the quality of music these students produce.

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

That we, the elected leaders of Charleston, congratulate the musicians and leaders of the George Washington High School Concert Band for achieving status as the best in West Virginia, and we commend them for all of their accomplishments as outstanding student musicians and leaders.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the Resolution No. 136-12, adopted.

ENVIRONMENT AND RECYCLING

Councillperson Ed Talkington, Chairperson of the Council Committee on Environment and Recycling, submitted the following reports.

1. Your Committee on Environment and Recycling has had under consideration Bill No. 7522 and reports the same to Council with the recommendation the the bill do pass.

Bill No. 7522: "A BILL to establish a Restricted Use Area in the west end of the City of Charleston for the purpose of prohibiting the drilling into and the extraction of groundwater within the Restricted Use Area.

WHEREAS, the approximately 1.25-acre parcel of land located at 406 West Washington

Street (the "Site") has been the subject of environmental assessment and risk-based remediation by the current occupant, Rite Aid Pharmacy, as part of their Voluntary Remediation agreement # 07094 with the State of West Virginia Department of Environmental Protection ("DEP") that allowed them to construct their business on a brownfield site which contained "chemicals of concern" resulting from the operation of a gas station and automobile repair and painting shop prior to Rite Aid's acquisition of and construction on the property; and

WHEREAS, the environmental assessment has indicated that "chemicals of concern" from previous businesses located on the Site are now migrating with the flow of ground water from the Site into surrounding ground water; and

WHEREAS, Rite Aid, in cooperation with the DEP, has notified the City of the migration, and has requested that the City take protective action to prevent the uncontrolled exposure to the chemicals of concern in the ground water; and

WHEREAS, the City of Charleston has the duty and authority under W. Va. State Code § 8-12-5(23) to provide for the elimination of hazards to public health and safety; and

WHEREAS, the Kanawha Charleston Health Department is the governmental agency with authority to issue permits with respect to ground water drilling within Kanawha County, including within the City of Charleston;

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

THAT there is hereby established within the City of Charleston a Restricted Use Area in which the drilling into or extraction of ground water is prohibited. The Restricted Use Area is defined as 350 feet to the northwest, west and south of the western corner of the Site, as depicted in the map attached as Exhibit 1 hereto. This area represents the maximum predicted extent of contamination migration (120 feet) plus a conservative safety factor of 230 feet.

Ground water is defined as water occurring in the zone of saturation beneath the seasonal high water table, or any perched water zone.

This prohibition applies to any excavation or penetration in the ground, whether drilled, bored, cored, driven or jetted that enters or passes through ground water for purposes that include, but are not limited to, a water supply, exploration for water, dewatering or heat pump wells.

Nothing contained in this ordinance shall prohibit the extraction of ground water from installation, modification, operation, repair or removal of monitoring and/or remediation wells when operated with the authorization of or at the direction of state or federal environmental officials or agencies.

Nothing contained in this ordinance shall prevent any construction activity within the Restricted Use Area which is not for the purpose of using ground water and does not contemplate the disruption of ground water during construction. Additionally, nothing in this ordinance shall prohibit any construction activity within the Restricted Use Area which is not for the purpose of using ground water but that may result in incidental disturbance of ground water, provided all state laws and regulations applicable to construction under such conditions, including, but not limited to, all laws and regulations enforced and promulgated by the DEP, are verifiably met. If incidental disturbance of ground water occurs, the contractor shall provide notice of the

disturbance to the Office of Environmental Remediation of the Department of Environmental Protection (304-926-0455), and reference Voluntary Remediation file # 07094.

Nothing contained in this ordinance shall prevent the use of ground water in the Restricted Use Area if the ground water has been treated to meet state standards appropriate for its intended use prior to any use.

Upon passage, the Clerk shall submit a certified copy of this ordinance to the Kanawha Charleston Health Department for their use when evaluating applications for ground water drilling within the City of Charleston.

Upon passage, a copy of this Ordinance shall also be provided to the City of Charleston Building Department, the City of Charleston Planning and Zoning Department, and the City of Charleston Engineering Department, and shall be kept on file in the City Clerk's Office.

The question being on the passage of the Bill. A roll call was taken and there were; yeas –26, absent - 2, as follows:

YEAS: Burka, Burton, Clowser, Davis, Dodrill, Ealy, Haas, Harrison, Kirk, Lane, Miller, Minardi, Nichols, Persinger, Reishman, Richardson, Russell, Salisbury, Sheets, Smith, Snodgrass, Stajduhar, Talkington, Weintraub, White, Mayor Jones.

ABSENT: Deneault, Ware,

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7522, passed.

FINANCE

Councillperson Robert Reishman, Chairperson of the Council Committee on Finance, submitted the following reports.

1. Your Committee on Finance has had under consideration Resolution No 124-12, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 124-12 : “Authorizing the Mayor to enter into an agreement with Black Top Industries, in the amount of \$615,200.00, for the 2012 Street Paving 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 Black Top Industries, in the amount of \$615,200.00, for the 2012 Street Paving project.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the Resolution No. 124-12, adopted.

2. Your Committee on Finance has had under consideration Resolution No 125-12, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 125-12 : “Authorizing the Mayor to enter into an agreement with Burgess & Niple, in the amount of \$57,400, for the Court Street Storm Water Pump Station Analysis, Design & Rehabilitation 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 Burgess and Niple, in the amount of \$57,400, for the Court Street Storm Water Pump Station Analysis, Design & Rehabilitation project.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the Resolution No. 125-12, adopted.

3. Your Committee on Finance has had under consideration Resolution No 126-12, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 126-12 : “Authorizing the Finance Director to amend the 2011-2012 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 2011-2012 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 –28, absent - 2, as follows:

YEAS: Burka, Burton, Clowser, Davis, Deneault, Dodrill, Ealy, Haas, Harrison, Kirk, Lane, Miller, Minardi, Nichols, Persinger, Reishman, Richardson, Russell, Salisbury, Sheets, Smith, Snodgrass, Stajduhar, Talkington, Ware, Weintraub, White, Mayor Jones.

ABSENT: Deneault, Ware

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 126-12.

4. Your Committee on Finance has had under consideration Resolution No 127-12, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 127-12 : “Authorizing the Finance Director to amend the 2011-2012 Civic Center 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 2011-2012 Civic Center 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 –28, absent - 2, as follows:

YEAS: Burka, Burton, Clowser, Davis, Deneault, Dodrill, Ealy, Haas, Harrison, Kirk, Lane, Miller, Minardi, Nichols, Persinger, Reishman, Richardson, Russell, Salisbury, Sheets, Smith, Snodgrass, Stajduhar, Talkington, Ware, Weintraub, White, Mayor Jones.

ABSENT: Deneault, Ware

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 127-12.

5. Your Committee on Finance has had under consideration Resolution No 128-12, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 128-12: “Authorizing the Mayor to enter into an agreement with Absten and Sons, LLC, in the total amount of \$49,626.29, for purchase and installation of generators at Fire Station No. 1, located at Lee and Morris streets (\$19,191.49), and Fire Station No. 2, located at 808 Virginia Street, West (\$30,434.80).”

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 Absten and Sons, LLC, in the total amount of \$49,626.29, for purchase and installation of generators at Fire Station No. 1, located at Lee and Morris streets (\$19,191.49), and Fire Station No. 2, located at 808 Virginia Street, West (\$30,434.80).

The question being on the adoption of the resolution. A roll call was taken and there were; yeas –28, absent - 2, as follows:

YEAS: Burka, Burton, Clowser, Davis, Deneault, Dodrill, Ealy, Haas, Harrison, Kirk, Lane, Miller, Minardi, Nichols, Persinger, Reishman, Richardson, Russell, Salisbury, Sheets, Smith, Snodgrass, Stajduhar, Talkington, Ware, Weintraub, White, Mayor Jones.

ABSENT: Deneault, Ware

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 128-12.

6. Your Committee on Finance has had under consideration Resolution No 129-12, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 129-12: “Authorizing the Mayor to sign and submit applications to the Office of Economic Opportunity for the 2012 West Virginia Homeless Shelters Program (WVHSP) to provide maintenance, operating expenses, essential services, and administration for the following agencies: Covenant House, Daymark, Kanawha Valley Fellowship Home, Rea of Hope, RCCR-Samaritan Inn, Roark Sullivan Lifeway Center, YWCA/Sojourner’s, YWCA/Resolve Family Abuse, and MOECD; and further authorizing the Mayor to sign all required contracts, documents and agreements with all agencies.”

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 applications to the Office of Economic Opportunity for the 2012 West Virginia Homeless Shelters Program (WVHSP) to provide maintenance, operating expenses, essential services, and administration for the following agencies: Covenant House, Daymark, Kanawha Valley Fellowship Home, Rea of Hope, RCCR-Samaritan Inn, Roark Sullivan Lifeway Center, YWCA/Sojourner’s, YWCA/Resolve Family Abuse, and MOECD; and further authorizing the Mayor to sign all required contracts, documents and agreements with all agencies.

The question being on the adoption of the resolution. A roll call was taken and there were; yeas –28, absent - 2, as follows:

YEAS: Burka, Burton, Clowser, Davis, Deneault, Dodrill, Ealy, Haas, Harrison, Kirk, Lane, Miller, Minardi, Nichols, Persinger, Reishman, Richardson, Russell, Salisbury, Sheets, Smith,

Snodgrass, Stajduhar, Talkington, Ware, Weintraub, White, Mayor Jones.
ABSENT: Deneault, Ware

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 129-12.

7. Your Committee on Finance has had under consideration Resolution No 130-12, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 130-12 : “Authorizing the Mayor to enter into an agreement with Home Depot to supply materials for rehabilitation of owner occupied residences in the City of Charleston. The agreement is for a two year period at the prices listed below.”

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 Home Depot to supply materials for rehabilitation of owner occupied residences in the City of Charleston. The agreement is for a two year period. A sample list of materials needed for the projects and the prices quoted are as follows:

<u>Description</u>	<u>Unit Price</u>
Paint primer exterior latex (one gallon)	\$16.98
Glazing 33 DAP (quart)	7.98
Treated 4 x 4 x 12'	12.97
Treated 2 x 8 x 10'	9.57
Treated 2 x 4 x 8'	2.17
Treated 2 x 4 x 12'	4.97
OSB/wafer U/L SE 4 x 8 x 5/8"	11.87
Treated Decking 5/4" x 12'	5.57
Treated 4 x 4 x 10'	9.97
Treated 4 x 4 x 8'	5.97
Treated 2 x 12 x 12'	17.97
Treated Decking 5/4" x 8'	3.57
Treated 2 x 4 x 10'	4.27
Treated 2 x 4 x 12'	4.97
Nails 5# 8D galvanized spiral shank	15.92
Roof Ridge Vents (metal) 8' section	17.84
Brush 4" house/trim	3.97
RFG felt 30 lb.	19.50
Sheathing yellow pine 1 x 4 x 8'	5.12
Roof lap cement (one gallon)	16.76
Polyfilm 6 mil. 10' x 50' (black)	98.00
RFG felt 15 lb.	19.50
Pfo-form 30 Dimensional Shingle (bundle)	26.50
80# Quickrete concrete mix (or equal)	3.85

The question being on the adoption of the resolution. A roll call was taken and there were; yeas -28, absent - 2, as follows:

YEAS: Burka, Burton, Clowser, Davis, Deneault, Dodrill, Ealy, Haas, Harrison, Kirk, Lane, Miller, Minardi, Nichols, Persinger, Reishman, Richardson, Russell, Salisbury, Sheets, Smith,

Snodgrass,Stajduhar, Talkington, Ware, Weintraub,White, Mayor Jones.
ABSENT: Deneault, Ware

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 130-12.

8. Your Committee on Finance has had under consideration Resolution No 131-12, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 131-12 : “Authorizing the Mayor to enter into an agreement with West Virginia Guttering, Inc. to supply materials for rehabilitation of owner occupied residences in the City of Charleston. The agreement is for a two year period and at the prices listed below.”

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 West Virginia Guttering, Inc. to supply materials for rehabilitation of owner occupied residences in the City of Charleston. The agreement is for a two year period and at the prices listed below:

Price per LF of seamless 5” (Class K or equivalent guttering installed)	\$3.90/ft.
Price per LF of downspout installed	\$3.90/ft.
Hangers (each/installed)	Included
Price per mitered corner (inside & outside)	Included
Fascia brackets	Included

An additional charge for replacement of decayed fascia boards, determined upon consulting MOECD, and gutter/leaf guards at \$2.50 per foot.

The question being on the adoption of the resolution. A roll call was taken and there were; yeas –28, absent - 2, as follows:

YEAS: Burka,Burton, Clowser, Davis, Deneault, Dodrill, Ealy, Haas, Harrison, Kirk, Lane, Miller, Minardi, Nichols, Persinger, Reishman, Richardson, Russell, Salisbury, Sheets, Smith, Snodgrass,Stajduhar, Talkington, Ware, Weintraub,White, Mayor Jones.
ABSENT: Deneault, Ware

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 131-12.

9. Your Committee on Finance has had under consideration Resolution No 132-12, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 132-12 : “Authorizing the Mayor to enter into an agreement with Pinnacle Environmental Consultants, Inc. for lead testing services for owner occupied residences in the City of Charleston. The agreement is for a two year period and at the prices listed below.”

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 Pinnacle

Environmental Consultants, Inc. for lead testing services for owner occupied residences in the City of Charleston. The agreement is for a two year period at the following prices:

Lead Inspection / XRF Analyzer (per structure	\$400.00
Lead Risk Assessment (per structure)	75.00
Clearance Testing (per structure)	200.00
Asbestos Testing (per sample / no layer charge)	8.00

The question being on the adoption of the resolution. A roll call was taken and there were; yeas –28, absent - 2, as follows:

YEAS: Burka,Burton, Clowser, Davis, Deneault, Dodrill, Ealy, Haas, Harrison, Kirk, Lane, Miller, Minardi, Nichols, Persinger, Reishman, Richardson, Russell, Salisbury, Sheets, Smith, Snodgrass,Stajduhar, Talkington, Ware, Weintraub,White, Mayor Jones.

ABSENT: Deneault, Ware

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 132-12.

10. Your Committee on Finance has had under consideration Resolution No 133-12, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 133-12: “Authorizing the Mayor to sign and submit to the U.S. Department of Housing and Urban Development the Annual Action Plan for Program Year 2012 (FY 2012 to 2013), year three (3) of the Consolidated Plan, and all required agreements, including subrecipient project contracts, relating to the Annual Action Plan.”

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 to the U.S. Department of Housing and Urban Development the Annual Action Plan for Program Year 2012 (FY 2012 to 2013), year three (3) of the Consolidated Plan, and all required agreements, including subrecipient project contracts, relating to the Annual Action Plan.

The question being on the adoption of the resolution. A roll call was taken and there were; yeas –28, absent - 2, as follows:

YEAS: Burka,Burton, Clowser, Davis, Deneault, Dodrill, Ealy, Haas, Harrison, Kirk, Lane, Miller, Minardi, Nichols, Persinger, Reishman, Richardson, Russell, Salisbury, Sheets, Smith, Snodgrass,Stajduhar, Talkington, Ware, Weintraub,White, Mayor Jones.

ABSENT: Deneault, Ware

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 133-12.

11. Your Committee on Finance has had under consideration Resolution No 134-12, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 134-12: “Approving settlement of pending litigation, captioned *Jerome Stewart v. City of Charleston, West Virginia*, Civil Action No. 11-C-1498, Circuit Court of Kanawha County W.Va., Judge James C. Stucky, in the amount of \$115,000.00 and authorizing the Mayor or his designee to execute any documents necessary to consummate

the full settlement and dismissal of the pending civil action in exchange for a full release by Plaintiff of all claims stemming from property damage to Mr. Stewart's property on or about July-August of 2010."

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

That the City Council for the City of Charleston hereby approves settlement of pending litigation, captioned *Jerome Stewart v. City of Charleston, West Virginia*, Civil Action No. 11-C-1498, Circuit Court of Kanawha County W.Va., Judge James C. Stucky, in the amount of \$115,000.00 and hereby authorizes the Mayor or his designee to execute any documents necessary to consummate the full settlement and dismissal of the pending civil action in exchange for a full release by Plaintiff of all claims stemming from property damage to Mr. Stewart's property on or about July-August of 2010.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the Resolution No. 134-12, adopted.

REPORTS OF OFFICERS

1. Report of the City of Charleston, Municipal Court Financial Statements; April 2012.
Received and Filed.
2. Report of the City of Charleston Payroll Variance Analysis;
February 2012.
Received and Filed.
3. Report of the City of Charleston Payroll Variance Analysis;
March 2012.
Received and Filed.

NEW BILLS

Introduced by Council member Bobby Reishman on May 7, 2012:

Bill No. 7525: "A BILL to amend Chapter 22, Article II, Division 1 of the Code of the City of Charleston, and to amend Chapter 22, Article II, Division 2, Section 22-64 of the Code of the City of Charleston, updating procedures and pricing for operations of the Spring Hill Cemetery Park.

Refer to Finance Committee

ROLL CALL

The Clerk called the roll:

YEAS: Burka, Burton, Clowser, Davis, Deneault, Dodrill, Ealy, Haas, Harrison, Kirk, Lane, Miller, Minardi, Nichols, Persinger, Reishman, Richardson, Russell, Salisbury, Sheets, Smith, Snodgrass, Stajduhar, Talkington, Ware, Weintraub, White, Mayor Jones.

ABSENT: Deneault, Ware

At 7:35 p.m., by a motion from Councilmember Harrison, Council adjourned until Monday, May 21, 2012, at 7:00 p.m.

Danny Jones, Honorable Mayor

James M. Reishman, City Clerk