

JOURNAL

OF THE

COUNCIL

CITY OF CHARLESTON

WEST VIRGINIA

NOVEMBER 19, 2001

THE COUNCIL MET IN CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE SECOND MEETING IN THE MONTH OF NOVEMBER, ON THE 19TH DAY, IN THE YEAR 2001, AND WAS CALLED TO ORDER BY THE HONORABLE MAYOR, JAY GOLDMAN.

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

CHARNOCK	LANE	PETTRY
CRICKENBERGER	DAVID LANHAM	PRUNTY
DAVIS	JAMES LANHAM	QUICK
FOUTY-YOUNG	LOEB	REISHMAN
HAAS	LOPEZ	ROLLER
HARRIS	MARKHAM	TALKINGTON
HENRY	MCKNIGHT	MAYOR GOLDMAN
JONES	MOLGAARD	
KIMBERLING	MORTON	
KNAUFF	NIELSEN	

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.

NOVEMBER 19, 2001 SECOND MEETING

CHARLESTON CITY COUNCIL JOURNAL NOVEMBER 19, 2001

PUBLIC SPEAKERS

1. Beth Elmore

CLAIMS

1. A Claim of Bradford L. Sims for United Talent LLC; 500 Leon Sullivan Way, Charleston, WV; alleges damage to property; Referred to City Solicitor.
2. A Claim of Mary Stephenson; 1527 #B Red Oak Street, Charleston, WV; alleges damage to vehicle; Referred to City Solicitor.
3. A Claim of Delbert D. & Jacquelin M. Flowers; 1821 Maple Drive, Sissionville, WV; alleges damage to vehicle; Referred to City Solicitor.

COMMUNICATIONS

None.

MISCELLANEOUS RESOLUTIONS

Introduced by Councilman Charlie Loeb on November 19, 2001:

Resolution No. 892-01—“Establishing a City of Charleston Vehicles Fleet Policy, dated November 15, 2001.”

Referred to Council Committee on Ordinance and Rules

REPORTS OF STANDING COMMITTEES

STREETS and TRAFFIC

Councilwoman Beth Fouty-Young, 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. 6849, and reports the same to Council with the recommendation that the Bill do pass.

Bill No. 6849, a Bill to repeal Ordinance No. 1846 passed by Council June 7, 1976,

relating to No Parking on the westerly side of Market Drive from Bigley Avenue to a point 45 feet north of Bigley Avenue and to establish a 15 Minute Parking Zone on the westerly side of Market Drive from a point 45 feet north of Bigley Avenue to a point 105 feet north of Bigley Avenue, and amending the Traffic Control Map and Traffic Control File, established by the Code of the City of Charleston, West Virginia, one thousand nine hundred seventy-five, as amended, Traffic Law, Chapter thirty-one, Article three, to conform therewith.

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

Section 1. Ordinance No. 1846 passed by Council on June 7, 1976, relating to No Parking on the westerly side of Market Drive from Bigley Avenue to a point 45 feet north of Bigley Avenue and to establish a 15 Minute Parking Zone on the westerly side of Market Drive from a point 45 feet north of Bigley Avenue to a point 105 feet north of Bigley Avenue is hereby repealed.

Section 2. The Traffic Control Map and Traffic Control File, established by the Code of the City of Charleston, West Virginia, one thousand nine hundred seventy-five, as amended, Traffic Law, Chapter thirty-one, Article three, shall be and hereby are amended to conform to this Ordinance.

The question being on the passage of the Bill a roll call was taken and there were; yeas-24, nays-0, absent-3, as follows:

YEAS: Charnock, Crickenberger, Davis, Fouty-Young, Haas, Harris, Henry, Jones, Knauff, Lane, David Lanham, James Lanham, Loeb, Lopez, Markham, McKnight, Molgaard, Nielsen, Pettry, Prunty, Quick, Reishman, Talkington, and Mayor Goldman.

NAYS: None.

ABSENT: Kimberling, Morton and Roller.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 6849 passed unanimously.

2. Your Committee on Streets and Traffic has had under consideration Bill No. 6852, and reports the same to Council with the recommendation that the Bill do pass.

Bill No. 6852, a Bill to establish a 20 Mile Per Hour speed limit on Frame Street and amending the Traffic Control Map and Traffic Control File, established by the Code of the City of Charleston, West Virginia, one thousand nine hundred seventy-five, as amended, Traffic Law, Chapter thirty-one, Article three, to conform therewith.

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

Section 1. A 20 Mile Per Hour speed limit on Frame Street is hereby established.

Section 2. The Traffic Control Map and Traffic Control File, established by the Code of the City of Charleston, West Virginia, one thousand nine hundred seventy-five, as amended, Traffic Law, Chapter thirty-one, Article three, shall be and hereby are amended to conform to this Ordinance.

The question being on the passage of the Bill a roll call was taken and there were; yeas-24, nays-0, absent-3, as follows:

YEAS: Charnock, Crickenberger, Davis, Fouty-Young, Haas, Harris, Henry, Jones, Knauff, Lane, David Lanham, James Lanham, Loeb, Lopez, Markham, McKnight, Molgaard, Nielsen, Pettry, Prunty, Quick, Reishman, Talkington, and Mayor Goldman.

NAYS: None.

ABSENT: Kimberling, Morton and Roller.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 6852 passed unanimously.

3. Your Committee on Streets and Traffic has had under consideration Bill No. 6853, and reports the same to Council with the recommendation that the Bill do pass.

Bill No. 6853, a Bill to establish a 15 Mile Per Hour speed limit on Norwood Road and amending the Traffic Control Map and Traffic Control File, established by the Code of the City of Charleston, West Virginia, one thousand nine hundred seventy-five, as amended, Traffic Law, Chapter thirty-one, Article three to conform therewith.

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

Section 1. A 15 Mile Per Hour speed limit on Norwood 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, one thousand nine hundred seventy-five, as amended, Traffic Law, Chapter thirty-one, Article three, shall be and hereby are amended to conform to this Ordinance.

The question being on the passage of the Bill a roll call was taken and there were; yeas-24, nays-0, absent-3, as follows:

YEAS: Charnock, Crickenberger, Davis, Fouty-Young, Haas, Harris, Henry, Jones, Knauff, Lane, David Lanham, James Lanham, Loeb, Lopez, Markham, McKnight, Molgaard, Nielsen, Pettry, Prunty, Quick, Reishman, Talkington, and

Mayor Goldman.

NAYS: None.

ABSENT: Kimberling, Morton and Roller.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 6853 passed unanimously.

4. Your Committee on Streets and Traffic has had under consideration Bill No. 6854, and reports the same to Council with the recommendation that the Bill do pass.

Bill No. 6854, a Bill to establish a Vehicular Parking Zone for the exclusive use of the physically disabled on the northerly side of Wyoming Street from a point 145 feet east of Ohio Avenue to a point 185 feet east of Ohio Avenue, to provide for the removal of vehicles illegally parked in these spaces, to incorporate the provisions of West Virginia Code, Chapter 17C, Article 13, Section 16, and amending the Traffic Control Map and Traffic Control File, established by the Code of the City of Charleston, West Virginia, one thousand nine hundred seventy-five, as amended, Traffic Law, Chapter thirty-one, Article three to conform therewith.

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

Section 1. A Vehicular Parking Zone for the exclusive use of the physically disabled on the northerly side of Wyoming Street from a point 145 feet east of Ohio Avenue to a point 185 feet east of Ohio Avenue is hereby established.

Section 2. In order for a physically disabled person to utilize the parking spaces provided in the preceding section the vehicle which they are driving or in which they are being transported must display the distinguishing insignia provided for in West Virginia Code, Chapter 17C, Article 13, Section 6.

Section 3. It shall be unlawful for any vehicle not displaying the insignia provided for in Section 2 to park in those spaces for the disabled provided for in Section 1. Any vehicle in violation of this section may be ticketed and impounded as provided for in Chapter 31, Vehicles and Traffic Law, Code of the City of Charleston., West Virginia.

Section 4. The Traffic Control Map and Traffic Control File, established by the Code of the City of Charleston, West Virginia, one thousand nine hundred seventy-five, as amended, Traffic Law, Chapter thirty-one, Article three, shall be and hereby are amended to conform to this Ordinance.

The question being on the passage of the Bill a roll call was taken and there were; yeas-24, nays-0, absent-3, as follows:

YEAS: Charnock, Crickenberger, Davis, Fouty-Young, Haas, Harris, Henry, Jones, Knauff, Lane, David Lanham, James Lanham, Loeb, Lopez, Markham, McKnight, Molgaard, Nielsen, Pettry, Prunty, Quick, Resihman, Talkington, and Mayor Goldman.

NAYS: None.

ABSENT: Kimberling, Morton and Roller.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 6854 passed unanimously.

5. Your Committee on Streets and Traffic has had under consideration Bill No. 6856, and reports the same to Council with the recommendation that the Bill do pass.

Bill No. 6856, a Bill to repeal Ordinance No. 6546 passed by Council February 16, 1999, relating to a No Parking School Bus Loading and Unloading Only Tow-Away Zone on the east side of Summers Street from a point 20 feet south of Quarrier Street to a point 116 feet south of Quarrier Street and amending the Traffic Control Map and Traffic Control File, established by the Code of the City of Charleston, West Virginia, one thousand nine hundred seventy-five, as amended, Traffic Law, Chapter thirty-one, Article three to conform therewith.

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

Section 1. Ordinance No. 6546 passed by Council of February 16, 1999, relating to a No Parking School Bus Loading and Unloading Only Tow-Away Zone on the east side of Summers Street from a point 20 feet south of Quarrier Street to a point 116 feet south of Quarrier Street is hereby repealed.

Section 2. The Traffic Control Map and Traffic Control File, established by the Code of the City of Charleston, West Virginia, one thousand nine hundred seventy-five, as amended, Traffic Law, Chapter thirty-one, Article three, shall be and hereby are amended to conform to this Ordinance.

The question being on the passage of the Bill a roll call was taken and there were; yeas-24, nays-0, absent-3, as follows:

YEAS: Charnock, Crickenberger, Davis, Fouty-Young, Haas, Harris, Henry, Jones, Knauff, Lane, David Lanham, James Lanham, Loeb, Lopez, Markham, McKnight, Molgaard, Nielsen, Pettry, Prunty, Quick, Reishman, Talkington, and Mayor Goldman.

NAYS: None.

ABSENT: Kimberling, Morton and Roller.

With a majority of members elected recorded thereon as voting in the affirmative the

Mayor declared Bill No. 6856 passed unanimously.

6. Your Committee on Streets and Traffic has had under consideration Bill No. 6858, and reports the same to Council with the recommendation that the Bill do pass.

Bill No. 6858, a Bill to repeal Ordinance No. 1464 passes by Council October 15, 1973, relating to one way vehicular traffic on Chamberlain Court, all traffic to travel south to north on said Court; prohibiting vehicular parking on the westerly side of Chamberlain Court and amending the Traffic Control Map and Traffic control File, established by the Code of the City of Charleston, West Virginia, one thousand nine hundred seventy-five, as amended, Traffic Law, Chapter thirty-one, Article three, to conform therewith.

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

Section 1. Ordinance No. 1464 passed by Council on October 15, 1973, relating to one way vehicular traffic on Chamberlain Court, all traffic to travel south to north on said Court, prohibiting vehicular parking on the westerly side of Chamberlain Court is hereby repealed.

Section 2. The Traffic Control Map and Traffic Control File, established by the Code of the City of Charleston, West Virginia, one thousand nine hundred seventy-five, as amended, Traffic Law, Chapter thirty-one, Article three, shall be and hereby are amended to conform to this Ordinance.

The question being on the passage of the Bill a roll call was taken and there were; yeas-24, nays-0, absent-3, as follows:

YEAS: Charnock, Crickenberger, Davis, Fouty-Young, Haas, Harris, Henry, Jones, Knauff, Lane, David Lanham, James Lanham, Loeb, Lopez, Markham, McKnight, Molgaard, Nielsen, Pettry, Prunty, Quick, Reishman, Talkington, and Mayor Goldman.

NAYS: None.

ABSENT: Kimberling, Morton and Roller.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 6858 passed unanimously

7. Your Committee on Streets and Traffic has had under consideration Bill No. 6862, and reports the same to Council with the recommendation that the Bill do pass.

Bill No. 6862, A Bill to establish a vehicular parking zone for the exclusive use of physically disabled on the westerly side of Watts Street from point 36 feet south of

Patterson Street to a point 61 feet south of Patterson Street to provide for the removal of vehicles illegally parked in these spaces, to incorporate the provisions of West Virginia Code, Chapter 17C, Article 13, Section 16, and amending the Traffic Control Map and Traffic control File, established by the Code of the City of Charleston, West Virginia, one thousand nine hundred seventy-five, as amended, Traffic Law, Chapter thirty-one, Article three, to conform therewith.

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

Section 1. A vehicular parking zone for the exclusive use of the physically disabled on the westerly side of Watts Street from a point 36 feet south of Patterson Street to a point 61 feet south of Paterson Street is hereby established.

Section 2. In order for physically disabled person the utilize the parking spaces provided in the preceding section the vehicle which they are driving or in which they are being transported must display the distinguishing insignia provided for in West Virginia Code, Chapter 17C, Article 13, Section 6.

Section 3. It shall be unlawful for any vehicle not displaying the insignia provided for in Section 2 to park in those spaces for the disabled provided for in Section 1. Any vehicle in violation of this section may be ticketed and impounded as provided for in Chapter 31, Vehicles and Traffic Law, Code of the City of Charleston, West Virginia.

Section 4. The Traffic Control Map and Traffic Control File, established by the Code of the City of Charleston, West Virginia, one thousand nine hundred seventy-five, as amended, Traffic Law, Chapter thirty-one, Article three, shall be and hereby are amended to conform to this Ordinance.

The question being on the passage of the Bill a roll call was taken and there were; yeas-24, nays-0, absent-3, as follows:

YEAS: Charnock, Crickenberger, Davis, Fouty-Young, Haas, Harris, Henry, Jones, Knauff, Lane, David Lanham, James Lanham, Loeb, Lopez, Markham, McKnight, Molgaard, Nielsen, Pettry, Prunty, Quick, Reishman, Talkington, and Mayor Goldman.

NAYS: None.

ABSENT: Kimberling, Morton and Roller.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 6862 passed unanimously

URBAN RENEWAL

1. Your Committee on Urban Renewal has had under consideration Bill No. 6857, and reports the same to Council with the recommendation that the Bill do pass.

Bill No. 6857, as amended a Bill approving certain modifications of Washington Street, East Renewal Plan for the City of Charleston, West Virginia, with respect to requiring Special Permit for establishments selling alcoholic beverages including beer and wine.

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

1. The City Council finds that:

A. The Charleston Urban Renewal Authority has recommended certain modifications of the Washington Street, East Urban Renewal Plan for the City of Charleston;

B. A general plan known as the Comprehensive Plan for the City of Charleston has been adopted by the City Council and is recognized and used as a general guide for the development of the City;

C. The Municipal Planning Commission of the City of Charleston has submitted to the Charleston Urban Renewal Authority its findings that the proposed modifications conform with said Comprehensive Plan;

D. City Council has duly considered said findings; and

E. Section "F" of said Washington Street, East Urban Renewal Plan provides that the Plan may be changed from time to time in compliance with the requirements of the law.

2. The modifications of the Washington Street, East Urban Renewal Plan set forth in the following section of this ordinance hereby found to be feasible and in compliance with the Comprehensive Plan for the City of Charleston.

3. Section C. 3.A. 1a of the Washington Street, East Urban Renewal Plan is revised as follows:

Add the phrase "sale of alcoholic beverages, including beer and wine, by special permit only" to the following permitted uses:

Drug and Sundries stores
Grocery Store
Retail Specialty facilities

4. Section C.3.A. 16 of the Washington Street, East, Urban Renewal Plan is revised by adding the following as a special permit use:

Sale of alcoholic beverages, including beer and wine, by any retail facility.

The question being on the passage of the Bill a roll call was taken and there were; yeas-24, nays-0, absent-3, as follows:

YEAS: Charnock, Crickenberger, Davis, Fouty-Young, Haas, Harris, Henry, Jones, Knauff, Lane, David Lanham, James Lanham, Loeb, Lopez, Markham, McKnight, Molgaard, Nielsen, Pettry, Prunty, Quick, Reishman, Talkington, and Mayor Goldman.

NAYS: None.

ABSENT: Kimberling, Morton and Roller.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 6857 passed as amended, unanimously.

FINANCE

Councilman Ed Talkington, Vice Chairman of the Council Committee on Finance, submitted the following reports.

1. Your Committee on Finance has had under consideration Resolution No. 843-01 and reports the same to Council with the recommendation that the Resolution be adopted.

Resolution No. 843-01, Committee Substitute, establishing a Residential Permit Parking Policy in accordance with City Code Section 31-208.1, and authorizing the Parking System Director, or his designee, to issue residential parking permits in accordance with the policies set forth in the attached resolution.

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

That the following Residential Permit Parking Policy shall be in force as follows:

Residential Permit Parking Policy

1) Upon the establishment of a Residential Permit Parking area in accordance with Charleston City Code Section 31-208.1, the Parking System Director or his or her designee shall issue residential parking permits.

2) In order to obtain a permit, the resident must make written application to the parking system for the number of permits sought. In addition to the resident's name and address, the applicant must provide the make, model, color, license number and vehicle identification number for the vehicles sought to be permitted.

3) To obtain a residential parking permit, the resident must show photo identification with their name and current address. The resident must also show a current vehicle registration card for each vehicle for which a permit is sought. In the case of a company owned or leased vehicle, the resident must provide verification form from the owner that the vehicle is assigned to the resident. Each permit is only valid for the specifically identified vehicle.

4) If a resident changes vehicles, the old permit must be surrendered prior to receipt of a new permit. The resident must provide the information as set forth in paragraphs 2 and 3 for the new vehicle prior to receipt of the new permit.

5) Each resident unit may receive one visitor permit.

6) A visitor permit may not be used for any person and/or vehicle that is not visiting the residence for which the permit was issued. Violation of said visitor permit will result in cancellation of the visitor permit.

7) The permits must hang from the rearview mirror of the vehicle.

8) After the application has been completed and a permit issued by the Parking Director, the Parking Director shall transmit a copy of the application and vehicle information to the Traffic Commander of the Charleston Police Department.

9) Each residential permit parking area will be assigned an identifying number and/or color. Permits issued to residents of each area will be valid only in the area for which they are issued.

10) Temporary waivers of residential permit parking may be granted by the Traffic Commander of the Charleston Police Department upon request for a specifically limited time and location not to exceed 24 hours. A request for waiver must be submitted at least 7 days in advance, unless in the case of emergency. For

non-emergency wavier requests, the resident requesting the wavier must submit written statements of approval from at least 51% of the residential units in the affected area. If a wavier is granted, no enforcement of the residential permit parking ordinance will take place for the duration of the wavier period.

11) Failure to properly display the permit will result in the issuance of a citation or possible impoundment of the vehicle in accordance with section 31-208.1 of the City Code.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-24, nays-0, absent-3, as follows:

YEAS: Charnock, Crickenberger, Davis, Fouty-Young, Haas, Harris, Henry, Jones, Knauff, Lane, David Lanham, James Lanham, Loeb, Lopez, Markham, McKnight, Molgaard, Nielsen, Pettry, Prunty, Quick, Reishman, Talkington, and Mayor Goldman.

NAYS: None.

ABSENT: Kimberling, Morton and Roller.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 843-01 adopted, as amended unanimously.

2. Your Committee on Finance has had under consideration Resolution No. 886-01 and reports the same to Council with the recommendation that the Resolution be adopted.

Resolution No. 886-01, a Resolution “Authorizing the Mayor to sign Change Order No. 1 with Echo, Inc., in the amount of \$27,000, providing for the addition of sod and fill material to the Improvements to Soccer Fields at John Adams Jr. High School project.”

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

That the Mayor is hereby authorized and directed to sign Change Order No.1 with Echo, Inc. in the amount of Twenty-seven Thousand Dollars (\$27,000), providing for the addition of sod and fill material to the Improvements to Soccer Fields and John Adams Jr, High School project. The change order increases the contract price from \$32,550 to \$59,550.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 886-01 adopted unanimously.

3. Your Committee on Finance has had under consideration Resolution No. 887-01 and reports the same to Council with the recommendation that the Resolution be adopted.

Resolution No. 887-01, a Resolution “ Authorizing the Mayor to enter into a contract with THP Limited, Inc., in an amount not to exceed \$12,500, to act as project manager for the Watt Powell Park Renovation Project.”

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

That the Mayor is hereby authorized and directed to enter into contract with THP Limited, Inc., in an amount not to exceed Twelve Thousand Five Hundred Dollars (\$12, 500), to act as project manager for the Watt Powell Renovation Project.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 887-01 adopted unanimously.

4. Your Committee on Finance has had under consideration Resolution No. 887-01 and reports the same to Council with the recommendation that the Resolution be adopted.

Resolution No. 889-01, A Resolution “ Authorizing the Finance Director to issue five checks in the total amount of \$342,214.90 for payment of B & O Tax Refunds.”

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

That the Finance Director is hereby authorized and directed to issue five checks in the total amount of Three Hundred Forty-Tow Thousand Two Hundred Fourteen Dollars and Ninety Cents. (342,214.90) for payment of B& O Tax Refunds to the following:

EMSA Contracting Services	\$83,193.68
Allen Bradley/Rockwell Auto	59,977.06
Bio Medical	158,232.32
Rent-A-Center	22,442.82
Prima Marketing, LLC	<u>18,369.02</u>
Total	\$342,214.90

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 889-01 adopted unanimously.

5. Your Committee on Finance has had under consideration Resolution No. 890-01 and reports the same to Council with the recommendation that the Resolution be adopted.

Resolution No. 890-01, A Resolution “ Authorizing the Mayor to sign a West Virginia Department of Transportation Recreational Trails Grant in the amount of \$65,000 for the extension of Garrison Trail at Cato Park.”

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

That the Mayor is hereby authorized and directed to sign a West Virginia Department of Transportation Recreational Trails Grant in the amount of Sixty-five Thousand Dollars (\$65,000) for the extension of Garrison Trail at Cato Park.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 890-01 adopted unanimously.

6. Your Committee on Finance has had under consideration Resolution No. 891-01 and reports the same to Council with the recommendation that the Resolution be adopted.

Resolution No. 891-01, a Resolution “Authorizing the Mayor to enter into a contract with Petroleum Traders for purchase of gasoline at \$0.6834 per gallon to serve the City’s vehicle fueling requirements for the period of July 1, 2002 to June 30, 2003, subject to funds being approved by City Council in the 2002-2003 General Fund budget.”

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

That the Mayor is hereby authorized and directed to enter into a contract with Petroleum Traders for purchase of gasoline at \$ 0.6834 per gallon to serve The City’s vehicle fueling requirements for the period July 1, 2002 to June 30, 2003, subject to funds being approved by the City Council in the 2002-2003 general Fund budget. This contract is being entered into through a bid received by Kanawha Valley Regional transportation Authority (KRT) on behalf of the City and area municipalities in an effort to streamline gasoline prices.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 891-01 adopted unanimously.

7. Your Committee on Finance has had under consideration bid submitted by Electronic Services, Inc., in the amount of \$17, 601, for purchase of thirty (30) hand-held radios to replace older, outdated radios currently used by members of the Charleston Police Department. To be charged to Account No. 01-700-0-0-4-059, Police–Capital Outlay, and reports the same to Council with the recommendation that the committee report be adopted.

The question being on the adoption of the committee report a vote was taken. There being no dissent the Mayor declared the committee report adopted unanimously.

8. Your Committee on Finance has had under consideration proposal submitted by General Truck Sales, in the amount of \$23,555, for purchase of a 2002 GMC Crew Cab Pick-up Truck for the Public Grounds Division. To be charged to Account No. 01-567-0-0-4-061, Public Grounds –Capital Outlay, Lease/Purchase, and reports the same to Council with the recommendation that the committee report be adopted.

The question being on the adoption of the committee report a vote was taken. There being no dissent the Mayor declared the committee report adopted unanimously

9. Your Committee on Finance has had under consideration proposal submitted by Medtronic Physico-Control, in the amount of \$15,197.90, for purchases of a LIFEPAK 12 Defibrillator/Monitor for Fire Station No. 1, located at Lee and Morris Streets. To be charged to Account No. 25-001-00-054,CDBG– Neighborhood Facilities, FS # 1, and reports the same to Council with the recommendation that the committee report be adopted.

The question being on the adoption of the Committee report a roll call was taken and there were; yeas-24, nays-0, absent-3, as follows:

YEAS: Charnock, Crickenberger, Davis, Fouty-Young, Haas, Harris, Henry, Jones, Knauff, Lane, David Lanham, James Lanham, Loeb, Lopez, Markham, McKnight, Molgaard, Nielsen, Pettry, Prunty, Quick, Reishman, Talkington, and Mayor Goldman.

NAYS: None.

ABSENT: Kimberling, Morton and Roller.

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

10. Your Committee on Finance has had under consideration Bill No. 6850, and reports the same to Council with the recommendation that the Bill do pass.

Bill No. 6850, Committee Substitute, a Bill establishing Section 31-208.1 of the City Code titled “Residential Permit Parking” and providing for a public hearing on the provisions of the Bill.

Be it Ordained by the Council of the City of Charleston, West Virginia:
that Section 31-208.1 Residential Permit Parking is hereby established and shall read as follows:

“ Section 31-208.1 Residential Permit Parking

a)/ 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 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.

The petition must contain the boundaries of the area sought for residential permit parking, the number of residential unit 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% 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.

Residential permit perking 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 hour 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.

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% of the available on street parking spaces are occupied and more that 50% of the vehicles perked in the area belong to non-residents, the area may be considered by Council for designation as a Residential

Permit Parking Area.

The petition and the results of the survey shall be transmitted to the ward councilperson and the Council Committee on Streets and Traffic. If the area is eligible to be considered for residential permit parking, a bell will be submitted to City Council for consideration.

b). 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.

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

The permits shall be issued and used in accordance with the Residential Permit Parking Policy established by Council.

c). 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 making deliveries or providing service to residential units within the permit area may be parked without a permit for the duration of the delivery or the provision of service.”

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 paragraphs b and c.

Ordinance or parts of ordinances that are inconstant with the provisions of this ordinance are hereby repealed.

This ordinance shall take effect immediately upon passage.

A public hearing is to be held regarding the provisions of this ordinance on October 15, 2001, at 7:00 p.m. in Council Chambers.

The question being on the passage of the Bill a roll call was taken and there were; yeas-24, nays-0, absent-3, as follows:

YEAS: Charnock, Crickenberger, Davis, Fouty-Young, Haas, Harris, Henry, Jones, Knauff, Lane, David Lanham, James Lanham, Loeb, Lopez, Markham, McKnight, Molgaard, Nielsen, Pettry, Prunty, Quick, Reishman, Talkington, and Mayor

Goldman.

NAYS: None.

ABSENT: Kimberling, Morton and Roller.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No.6850 passed as a committee substitute, unanimously.

11. Your Committee on Finance has had under consideration Bill No. 6865, and reports the same to Council with the recommendation that the Bill do pass.

Bill No. 6865, as amended, a Bill to amend and revise Section 31-213 of the City Code of the City of Charleston to alter the closing time for building #6 located on Summers Street from 11:00 p.m. to 10:00 p.m., to amend obsolete references to ice arena parking, and to correct typographical errors.

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

That the Council of City of Charleston does hereby amend and revise Section 31-213 of the City Code, the City of Charleston to alter the closing time for building #6 located on Summers Street from 11:00 p.m. to 10:00 p.m., to amend obsolete references to ice arena parking, and to correct typographical errors.

Section 31-213. Management of and regulations governing city owned lots and buildings.

(a) All parking lots and buildings owned or operated by the City shall be operated under the control and management of the Parking Facilities Committee, who are hereby authorized to promulgate rules and regulations governing such usage not inconsistent herewith. It shall be unlawful for any person to park any motor vehicle or other conveyance so as to occupy or use space in such parking lots or buildings without making payment of the appropriate fees or charges therefore as hereinafter provided. Motor vehicles shall be parked, placed, handled and driven into, from, in and on such parking lots in accordance with the applicable laws and ordinances of the City relative to traffic upon the streets in the City, and in accordance with the rules and regulations respecting usage of such parking lots which are adopted and promulgated by the Parking Facilities Committee, and in accordance with the directions, instructions and order of the official city attendants of each of such lots

stationed thereon. It shall be unlawful for any person or vehicle to block any driveway or passageway in or upon such parking lots or buildings, or for persons to leave or park cars therein contrary to the applicable ordinances, rules and regulations and instructions of attendants, as aforesaid, or without paying the required rental fees.

(b) The rental fees for each separate usage of any single parking space on any parking lot not specifically set forth below shall be at the rate of three dollars per day.

(c) The rental fees for each separate usage for any single parking space in the Civic Center Parking Building North and South and on the surface parking lot adjacent to the Charleston Civic Center shall be as follows:

(1) 6:00 a.m. through 5:00 p.m.	
Less than one hour	\$1.00
One to two hours	2.00
Two to three hours	3.00
Daytime maximum	3.00
(2) 5:00 p.m. through 6:00 a.m.	\$1.00
Less than one hour	2.00
One to two hours	3.00
Two to three hours	3.00
Daytime maximum	3.00
(3) Events (pre-charge)	\$3.00
(4) Civic Center North, per month (exclusive of event parking)	\$25.00

(d) The rental fee for each separate usage of any single metered parking space in the parking lot owned by the City behind City Hall and the single metered parking spaces on the west side of Laidley Street between Kanawha Boulevard and Virginia Street East shall be Twenty-five cents for thirty-six minutes. The rental fee for each separate usage of any single metered parking space in the lot behind the Municipal Auditorium shall be Fifty cents per hour and the rental fee for each un-metered parking space in the lot behind the Municipal Auditorium shall be Thirty Dollars per calendar month, provided that the fee for each un-metered parking space leased on a monthly basis after July 1, 2000 shall be Forty Dollars per calendar month. The rental fee for each separate usage single metered parking space in a City owned off-street parking lot, not otherwise expressly set forth in this Bill, shall be at a rate of Twenty-

five cents per hour. The rental for each separate usage of any fee boxed parking space in a City owned off-street parking lot, not otherwise expressing set forth in this Bill, shall be at a rate of One Dollar per calendar day, excluding Sunday and legal holidays. The rental fee for each separate usage of any of five spaces in the Summers Street alley shall be Seventy-five Dollars per month plus a Ten Dollar activation fee.

(e) Parking shall be provided for city employees on the top floor of Building No. 5. (The City shall pay the Parking System Two Dollar per day, five days per week, for forty-eight weeks for each City employee. The City Manager shall report quarterly to the Parking Facilities Committee the number of employees and the allocation of parking spaces between the two buildings; Council parking - twenty-six permits at Two Dollars per day, an average of one day per week for forty-eight weeks.) The Parking System Director shall make available to members of Council, parking spaces in the Shanklin Park parking facility on or about 6:00 p.m. for attending meetings of Council or its committee under the same terms and conditions as the Director makes available to City employees. The City has provided 10 parking spaces on the west side of Laidley Street between Kanawha Boulevard and Virginia Street East to the Parking System to be used as metered parking in exchange for the use of 10 reserved spaces within Building No. 5. This exchange shall stay in effect until the earlier of January 1, 2002, or the date the City and/or Parking Facilities Committee shall provide a written notice of termination to the other party.

(f) Civic Center event parking in lots A, B, C, D, and E, as shown on the attached map and incorporated herein by reference, shall be at the rate of three dollars per event. Any or all of lots A, B, C, D, and E may be leased to merchants or business associations for mutually agreed upon covenants; provided, that such groups do not impose parking fees upon the general public for parking privileges. Any such leases shall be subject to the approval of the City Council's Parking Facilities Committee.

~~(g) Persons using the facilities at the ice arena at the Charleston Civic Center, except when the Civic Center facility lot is being used for event parking, may use the parking lot adjacent to this facility at no charge, provided they take a parking ticket on entering the lot and have the ticket stamped by the facility's personnel before departing the facility.~~

(h) Except as set forth in paragraph (e) above, the rental fees for each separate usage of any single parking space in any parking building constructed or operated by the City, other than fees for parking buildings otherwise expressly set forth in this section shall be as follows:

- (1) 6:00 a.m. to 10:00 p.m.
Hourly parking rates: One dollar per hour, up to a maximum of five dollars per day.

Building No. 6 (Summers Street Parking Garage)

- ~~5:00 p.m. to 11:00 p.m.~~
5:00 p.m. to 10:00 p.m. One dollar
Monday through Friday
- (2) Monthly Non-Reserve Space parking: Sixty dollars per month.
- (3) Reserve Space parking: Seventy dollar per month plus one time activation cost fee of Ten dollars.
- (4) ~~(3)~~-Service Fee Fifteen dollar monthly service fee charged to all accounts if paid after the tenth of the month.
- (5) ~~(4)~~-Deposit: Ten dollar deposit for each monthly card. Ten dollar additional charge for each lost or destroyed card.
- (6) ~~(5)~~-Events pre-charge: Four dollars for pre-approved events or activities scheduled for more than four hours and/or beginning before 5:00 p.m.
- Three dollars for pre-approved events or activities scheduled for less than four hours and beginning after 5:00 p.m.

(i) Notwithstanding any provision of this section to the contrary, there shall be a separate hotel usage rate for Building No. 6, better known as the Summers Street

Parking Garage and Building No.2, better known as the Washington Street Parking Garage, which shall consist of an initial rate and an overage rate, subject to the following conditions and calculated as provided below:

1. There shall be two time periods used in calculating the hotel usage rate: “Peak Period” shall mean the period beginning at 9:00 a.m. and ending at 4:00 p.m., Monday through Friday; “Off Peak”, shall mean any time period not considered “Peak Period” and includes weekends and legal holidays established pursuant to the West Virginia Code; “Parking Day” shall mean a period of 24 hours, or any time increment of less than 24 hours therein, commencing at 4:00 p.m. and ending the following 3:59 p.m.

2. The initial rate shall be \$2.00 per car per Parking Day with a minimum annual average of 50 cars per Parking Day, and said initial rate shall be payable quarterly in advance to guarantee the hotel usage rate.

3. The hotel usage rate shall apply only to the extent that no more than 30% of the cars parked during a Parking Day are parked during the Peak Period. Cars parked in excess of such 30% during the Peak Period shall be charged the standard daily charge per car to the general public, such excess parking amount to be calculated on the average number of cars parked per quarter and paid quarterly in arrears.

4. The overage rate shall be \$1.00 per car per Parking Day for each car in excess of the fifty car minimum per day, calculated on the average number of cars parked per quarter and paid quarterly in arrears.

5. The initial rate shall be adjusted annually based upon the greater of (i) 50% of the daily charge per car to the general public; or (ii) the actual increase in additional costs to the Parking System associated with accommodating the hotel usage rate including but not limited to any security costs incurred by the Parking System, plus 15%.

6. Each contract in conjunction with the hotel usage rate shall be approved by the City Council and such contract shall be subject to the terms of this Parking System Rate Ordinance, as it is amended from time to time.

(j) Removal of any vehicle from any parking lot shall terminate the right of the user for that vehicle created by prior payment of rental fees. No vehicle shall be re-parked on any City parking lot on the same day except upon payment of rental fees herein above provided.

(k) If on or before November 15, 2001, and November 15, of each succeeding year thereafter, the City Council, upon recommendation of the Parking Facilities Committee, adopts a resolution calling for the same, the City shall provide for two hour non-ticket parking at the on-street metered parking spaces for each Saturday in the following December; provided that each vehicle parked at a meter in excess of two hours will be ticketed and the penalty shall be Twenty-Five Dollars.

(l) The Parking Facilities Committee may by resolution adopt short term parking promotions when it determines that such promotions will enhance the use of the Parking System and will not have an adverse effect on the revenue of the Parking System.

(m) Hereafter, no parking space shall be sold or occupied, except by the payment of the appropriate additional rental fees, for a longer period of time than those above stated.

The question being on the passage of the Bill a roll call was taken and there were; yeas-24, nays-0, absent-3, as follows:

YEAS: Charnock, Crickenberger, Davis, Fouty-Young, Haas, Harris, Henry, Jones, Knauff, Lane, David Lanham, James Lanham, Loeb, Lopez, Markham, McKnight, Molgaard, Nielsen, Pettry, Prunty, Quick, Reishman, Talkington, and Mayor Goldman.

NAYS: None.

ABSENT: Kimberling, Morton and Roller.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No.6855 passed as a committee substitute, unanimously.

12.Your Committee on Finance has had under consideration Bill No. 6866, and reports the same to Council with the recommendation that the Bill do pass.

Bill No. 6866, a Bill authorizing the payment of an “Annual Increment,” pursuant to West Virginia Code, Section 8-15-12, from the FY 2001-2002 General Fund budget to eligible full-time employees after determining there was sufficient opening balance to do so.

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

Authorizing the payment of an “Annual Increment,” pursuant to West Virginia Code, Section 8-15-12, from the FY 2001-2002 General Fund budget to eligible full-time employees after determining there was sufficient opening balance to do so.

The annual increment authorized herein and payable to eligible full-time employees for FY 2001-2001 General Fund budget for those eligible full-time employees who have five or more years of uninterrupted service as of October 15, 2001, with the City of Charleston is \$400.00. The annual increment authorized herein and payable to eligible full-time employees from the FY 2001-2001 General Fund for those eligible full-time employees with less than five years of uninterrupted service, as of October 15, 2001, with the City of Charleston is \$200.00.

The question being on the adoption Bill No. 6866 a vote was taken. There being no dissent the Mayor declared the committee report adopted unanimously.

13. Your Committee on Finance has had under consideration payment of an invoice from Hope Community Development Corporation, in the amount of \$10,000, for salary reimbursement from July to October 2001 for the Character, Education & Leadership Program.

To be charged to Account No. 25-001-00-011, CDBG - - Public Services, and reports the same to Council with the recommendation that the committee report be adopted.

The question being on the adoption the Committee report a vote was taken. There being no dissent the Mayor declared the committee report adopted unanimously.

14. Your Committee on Finance has had under consideration payment of an invoice from Kanawha Dental Health Council, in the amount of \$5,000, for reimbursement of dental hygienist salaries for the months July, August, September and October 2001.

To be charged to Account No. 25-001-00-011, Public Services, and reports the same to Council with the recommendation that the committee report be adopted.

The question being on the adoption the Committee report a vote was taken. There being no dissent the Mayor declared the committee report adopted unanimously.

15. Your Committee on Finance has had under consideration payment of an invoice from Apex Demolition Co., Inc., in the total amount of \$9,568.79 for demolition of three (3) structures, and in accordance with the contract price of \$1.19 per square foot. The following structures were demolished:

306 Grove Avenue	\$1,470.84
939 Greenbrier Street	\$2,139.62
924 ½ South Park Road	\$5,958.33

To be charged to Account No. 25-001-00-033, CDBG –, Demolition and Clearance and reports the same to Council with the recommendation that the committee report be adopted.

The question being on the adoption the Committee report a vote was taken. There being no dissent the Mayor declared the committee report adopted unanimously.

REPORTS OF OFFICERS

1. City Treasurer's Report to City Council Month Ending October, 2001;
Received and Filed.

2. City of Charleston Financial Statements For The Four-Month Period Ended October 31, 2001.
Received and Filed.

3. Results of Consulting Procedures for the City of Charleston, October 10, 2001 by Gibbons & Kawash, Certified Public Accountants, related to the Operational Efficiency and Effectiveness of the Existing Procedures and Policies for the City Collector's Office;
Received and Filed.

NEW BILLS INTRODUCED

Introduced by Councilman Larry Roller on November 19, 2001:

BILL NO. 6861, a Bill authorizing the Mayor to execute a deed transferring all right, title and interest to a certain portion of right-of-way on Court Street between Virginia Street and Quarrier Street to the Kanawha County Commission;

Refer to Council Committee on Finance

Introduced by Councilman Bobby Haas on November 19, 2001:

BILL NO. 6867, a Bill to establish a Yield Sign on Flowers Lane at Sugar Creek Drive and amending the Traffic Control Map and Traffic Control File, established by the Code of the City of Charleston, West Virginia, one thousand nine hundred seventy-five, as amended, Traffic Law, Chapter thirty-one, Article three, to conform therewith:

Refer to Council Committee on Streets and Traffic

UNFINISHED BUSINESS

MISCELLANEOUS BUSINESS

ROLL CALL

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

YEAS: Charnock, Crickenberger, Davis, Fouty-Young, Haas, Harris, Henry, Jones, Knauff, Lane, David Lanham, James Lanham, Loeb, Lopez, Markham, McKnight, Molgaard, Nielsen, Pettry, Prunty, Quick, Reishman, Talkington, and Mayor Goldman.

ABSENT: Kimberling, Morton and Roller.

At 8:30 p.m., on motion of Councilman Loeb, Council adjourned until 7:00 p.m., Monday, December 3, 2001.

Jay Goldman, Honorable Mayor

James M. Reishman, City Clerk